

STATE OF NEW YORK

THIRTEENTH ANNUAL REPORT
OF THE
DIVISION OF PAROLE
OF THE
EXECUTIVE DEPARTMENT

For the Year
January 1, 1942 to December 31, 1942



STATE BOARD OF PAROLE

MEMBERS

NAME	Address	Appointed by	Date appointed	Term expires
Frederick A. Moran	Albany, N. Y.	Hon. Herbert H. Lehman	June 18, 1938	June 17, 1941
Sanford Bates	New York City	Hon. Herbert H. Lehman	Sept. 3, 1940	June 17, 1946
Thomas L. Holling	Buffalo, N. Y.	Hon. Herbert H. Lehman	June 18, 1942	June 17, 1948
FORMER MEMBERS				
Living I. Goldsmith †	Saratoga Springs, N. Y.	Hon. Franklin D. Roosevelt	July 1, 1930	Sept. 13, 1930
Bernard J. Fagan †	New York City	Hon. Franklin D. Roosevelt	July 1, 1930	Sept. 26, 1931
Frank I. Hanscom ‡	Buffalo, N. Y.	Hon. Franklin D. Roosevelt	July 1, 1930	
		Hon. Herbert H. Lehman	Reappointed, March, 1934	June 17, 1910
Joseph J. Canavan †	New York City	Hon. Herbert H. Lehman	Nov. 13, 1934	
			Reappointed, Feb. 4, 1936	Oct. 10, 1940
Joseph W. Moore, M. D. **	Albany, N. Y.	Hon. Franklin D. Roosevelt	Sept. 18, 1930	
			Reappointed, June 18, 1932	June 17, 1938
		Hon. Herbert H. Lehman	Reappointed, Oct. 21, 1940	June 17, 1942

† Resigned.

* Deceased

‡ Retired

** Dr. Joseph W. Moore had been a member of the Board of Parole, appointed by the Hon. Franklin D. Roosevelt Sept. 18, 1930, reappointed June 18, 1932. He retired June 17, 1938. On the death of the Hon. Joseph J. Canavan, he was appointed Oct. 21, 1940 to the unexpired term, and he retired again at the expiration of that term, June 17, 1942.

David Dressler, Executive Director

Office: The Capitol, Albany

DISTRICT OFFICES

Albany District Office, The Capitol, Albany, N. Y.
Commissioner in charge, Frederick A. Moran.

COUNTIES

Albany	Madison
Clinton	Montgomery
Columbia	Oneida
Delaware	Otsego
Essex	Rensselaer
Franklin	St. Lawrence
Fulton	Saratoga
Greene	Schenectady
Hamilton	Schoharie
Herkimer	Warren

Washington

Buffalo District Office, State Office Building, 65 Court Street,
Buffalo, N. Y.
Commissioner in charge, Thomas L. Holling

COUNTIES

Allegany	Monroe
Broome	Niagara
Cattaraugus	Onondaga
Cayuga	Ontario
Chautauqua	Orleans
Chemung	Oswego
Chenango	Schuyler
Cortland	Seneca
Erie	Steuben
Genesee	Tioga
Jefferson	Tompkins
Lewis	Wayne
Livingston	Wyoming

Yates

New York District Office, State Office Building, 80 Centre Street,
New York City, N. Y.
Commissioner in charge, Sanford Bates.

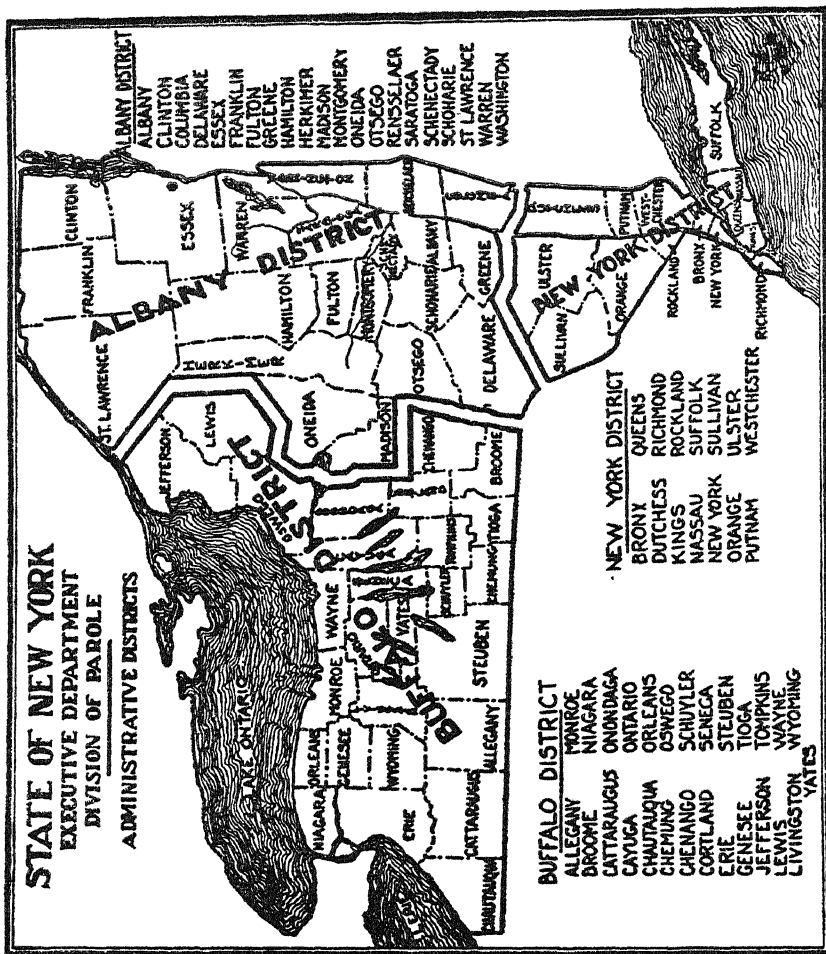
COUNTIES

New York	Orange
Bronx	Putnam
Kings	Rockland
Queens	Suffolk
Richmond	Sullivan
Dutchess	Ulster
Nassau	Westchester

STATE OF NEW YORK

EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

ADMINISTRATIVE DISTRICTS



BUFFALO DISTRICT

ALLEGANY
MONROE
NIAGARA
CATTARAUGUS
ONTARIO
CAYUGA
CHAUTAUQUA
CHEMUNG
OSWEGO
CHENANGO
SCHUYLER
CORTLAND
ERIE
GENESEE
JEFFERSON
LIVINGSTON
WAYNE
WYOMING
YATES

NEW YORK DISTRICT

BRONX
QUEENS
DUTCHESS
KINGS
NASSAU
NEW YORK
ORANGE
PUTNAM
RICHMOND
ROCKLAND
SUFFOLK
SULLIVAN
ULSTER
WESTCHESTER

ALBANY DISTRICT

ALBANY
CLINTON
COLUMBIA
DELAWARE
ESSEX
FRANKLIN
FULTON
GREENE
HAMILTON
HERKIMER
MADISON
MONTGOMERY
ONEIDA
OTSEGO
RENSSELAER
SARATOGA
SCHENECTADY
SCHENARIE
ST. LAWRENCE
WARREN
WASHINGTON

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*To the Honorable Thomas E. Dewey, Governor, and Members of
the Legislature:*

We submit herewith the Thirteenth Annual Report of the
Division of Parole of the Executive Department, for the year
January 1, 1942 to December 31, 1942.

FREDERICK A. MORAN, Chairman,
Board of Parole

SANFORD BATES
THOMAS L. HOLLING

THE BOARD OF PAROLE

THE BOARD OF PAROLE.

Chapter 824 of the Laws of 1930, creating the present Division of Parole, provides for a Board of Parole to consist of three members to be appointed by the Governor, by and with the consent of the Senate. The law further provides that the members of the Board of Parole and their officers and employees shall not hold any other public office or serve as the representative of any political party, or as an executive officer or employee of any political committee, organization or association, and that the members of the Board and its staff must devote their whole time and capacity to parole.

The Board of Parole must, according to the provisions of the law, meet at each of the institutions under its jurisdiction at such times as it may be necessary for a full study of the cases of all prisoners eligible for release on parole and to determine when and under what conditions and to whom such parole may be granted. In all cases where alleged violations of parole have occurred, the question of delinquency must be determined by the Board, and cases of all parole violators returned to prison are considered by the members of the Board. Other than for the release on parole of a prisoner, a majority of the Board constitutes a quorum for the transaction of all business.

Institutions Under the Jurisdiction of the Board of Parole

The Board of Parole has jurisdiction over the release of prisoners on parole from the seven State prisons—Attica, Auburn, Clinton, Great Meadow, Sing Sing, Wallkill, the Women's Prison at Westfield State Farm. It also has jurisdiction over paroles from the New York State Reformatory at Elmira, as well as the normal prisoners transferred to the Woodbourne Institution for Defective Delinquents.

Types of Sentences

A sentence having minimum and maximum limits, fixed by the court, is an indeterminate sentence. A sentence for a fixed period of time is a definite sentence.

Section 2189 of the Penal Law provides that a person never before convicted of a crime punishable by imprisonment in a State prison, who is convicted of a felony other than murder in the first or second degree and sentenced to a State prison shall be sentenced under an indeterminate sentence.

Prior to March 6, 1936, courts imposed definite sentences upon individuals convicted of felonies who had previously been convicted of crimes punishable by imprisonment.

Chapter 70 of the Laws of 1936, effective March 6 of that year, made all sentences imposed on or after that date indeterminate. Thus the imposition of definite sentences ceased.

The Board of Parole has no jurisdiction over the release of prisoners sentenced to a definite term. They are automatically released at the expiration of their fixed sentences less time off for good conduct and work willingly performed, when they sign an agreement accepting supervision for the period of time representing the reduction of their sentence through the operation of compensation or "good time" laws.

Prisoners Subject to Parole

The Board of Parole has no power to shorten sentences. Every person sentenced to an indeterminate term and confined in a State prison, when he has served a period of time equal to the minimum sentence imposed by the court for the crime for which he was convicted, less time off for good behavior and for work willingly performed, becomes subject to the jurisdiction of the Board of Parole. Just as the Board has no authority to reduce sentences it has no power to grant or withhold "good time." The Correction Law specifically provides the amount of time the prisoners may earn, "ten days compensation each month or a maximum of four months a year."

The granting of this "good time" by the Department of Correction does not reduce sentences, but it does make indeterminate sentence prisoners eligible to appear before the Board of Parole at an earlier date. When released on parole, the prisoner is not a free man but must remain in the custody of the warden and is subject to return to prison at any time until the expiration of his maximum sentence.

The time of release is discretionary with the Board of Parole but no person can be released until he has served the legally prescribed minimum of his sentence. The action of the Board of Parole in releasing prisoners is not reviewable if done according to law.

Reasons for Release

No prisoner, according to the provisions of the law, shall be released on parole merely as a reward for good conduct or efficient performance of duties assigned in prison, but only if the Board of Parole is of the opinion that there is reasonable probability that, if the prisoner is released, he will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society.

Method of Release

The release on parole of an indeterminate sentence prisoner may not be upon the application of the inmate, but solely upon the initiative of the Board of Parole. No application for release on parole made by an indeterminate sentence prisoner or on his behalf can be entertained by the Board of Parole. At the expiration of the

minimum sentence less the period of time off, provided for by the section of the Correction Law relating to compensation, prisoners eligible to do so automatically appear before the Board of Parole.

In considering the case of a prisoner eligible for parole, the law provides that the Board of Parole must have before it a complete statement of the crime for which the prisoner was sentenced and the circumstances of the crime; the nature of the sentence; the court in which the prisoner was sentenced; the names of the judge and the district attorney; copies of probation reports; as well as reports regarding the prisoner's social and mental history, and his complete criminal record.

In addition, the Board shall have before it a report from the warden of each prison in which the prisoner has been confined. This shall show the inmate's conduct in prison, with a detailed statement of all infractions of prison rules and discipline, all punishments meted out and the circumstances surrounding them. There shall be a report from each warden as to the extent to which the prisoner has responded to the efforts made in prison to improve his mental and moral condition.

The Board must also have a statement as to the prisoner's attitude toward society, the judge who sentenced him, the district attorney who convicted him, and the policeman who arrested him. There should be indication as to how the prisoner regards the crime for which he is in prison and his previous criminal career.

The Board, the law further provides, shall also have before it a report from the superintendent of prison industries, giving the prisoner's industrial record while in prison, the average number of hours per day that he has been employed, the nature of his occupations while in prison, and a recommendation as to the kind of work he is best fitted to perform and at which he is most likely to succeed when he leaves prison.

There shall be before the Board, reports of such physical, mental and psychiatric examinations as have been made of the prisoner, which, so far as practicable, shall have been made within two months of the time of his eligibility for parole.

The Board must also have for consideration the report of one of its members, giving his personal views and recommendations as to the prisoner.

In addition to all these reports, the Board also has a carefully checked and validated investigation of the life history of the prisoner, made by a parole officer, and including a report regarding the place to which the prisoner plans to return and the kind of work at which he is to be employed.

Before releasing any prisoner on parole, the Board causes him to appear before it in person. He is interviewed and the Board checks as far as possible on the reports before it. The Board of Parole makes its own decisions as to the desirability of releasing such prisoner on parole.

Conditions of Parole

In releasing a prisoner on parole, the Board of Parole specifies in writing the conditions of parole, and a copy of these conditions is given to the parolee. Violation of the conditions of parole may render the prisoner liable to arrest and reimprisonment. The Board adopts general rules with regard to conditions of parole and their violation. It may, and does, make special rules to govern particular cases. The rules, both general and special, include, among other things, a requirement that the parolee shall not leave the State without the consent of the Board; that he shall contribute to the support of his dependents, that he shall abandon evil associates and ways; that he shall carry out the instructions of his parole officer; and that he shall, in general, comport himself as a law-abiding member of society.

Violation of Parole

If the parole officer having charge of a paroled prisoner shall have reasonable cause to believe that the prisoner has lapsed, or is probably about to lapse into criminal ways or company, or has violated the conditions of his parole in an important respect, the parole officer must report this fact to a member of the Board of Parole, who thereupon issues a warrant for the retaking of the prisoner and his return to the designated prison or the Elmira Reformatory.

Retaking of a Violator of Parole

Any parole officer or any officer authorized to serve criminal process, or any peace officer to whom the warrant for the arrest of a parole violator shall be delivered, is authorized and required to execute the warrant.

Board of Parole to Act on Violations of Parole

Whenever there is reasonable cause to believe that a prisoner who has been paroled has violated his parole, the law provides that the Board of Parole, at its next meeting, shall declare the prisoner to be delinquent and the time owed on his sentence shall date from this delinquency.

The warden of each prison notifies the Board of Parole of the return of a paroled prisoner charged with violation of his parole. Thereupon, the Board of Parole, as soon as practicable, holds a parole court at the prison and considers the case of each parole violator, who is given an opportunity to appear personally, but not through counsel or others, before the Board of Parole, and explain the charges made against him. The Board, within a reasonable time, acts upon the charges and may, if it sees fit, require the prisoner to serve out in prison the balance of the maximum term for which he was originally sentenced, calculated from the date of delinquency. Or it may cause him to serve such part of

this balance as it may determine is proper under the circumstances.

Felony Committed While on Parole

If any prisoner is convicted of a felony committed while on parole, he must, in addition to the sentence which may be imposed for the felony, and before beginning to serve the new sentence, be compelled to serve in State prison the portion remaining of the maximum term of the sentence on which he was released on parole, from the time of his release on parole to the expiration of such maximum sentence. An exception is provided by law in the cases of those prisoners who had been originally paroled from the Elmira Reformatory and who are subsequently sentenced for the commission of new felonies. The Board of Parole may, at its discretion, permit the inmate to start serving his new sentence at any time after his commitment on the additional felony charge.

Discharge From Parole

Conditional and absolute discharges from parole prior to the expiration of the maximum sentence, in cases of individuals released from a State prison, were abolished in 1928. No person released on parole from a State prison is eligible to be discharged from parole prior to the expiration of the full maximum term for which he was sentenced. The Board, however, may relieve a prisoner on parole from making further reports and may permit him to leave the State, or country, if satisfied that this is for the best interest of society.

In cases of individuals released from reformatories, Section 281 of the Correction Law, relating to parole from reformatories, specifies in Subdivision 3 that the Board of Parole "may issue to a prisoner an absolute release and discharge from imprisonment, if in the judgment of the Board there is a strong or reasonable probability that such prisoner will remain at liberty without violating the law and that his or her release is not incompatible with the welfare of society."

Section 281 continues, "A person so paroled . . . shall remain in the legal custody and under the control of the department until his or her absolute discharge as provided by law."

So far as Elmira Reformatory parolees are concerned, this Section was always understood to mean that the Board of Parole had the power to discharge such individuals from parole at any time from date of release from the Reformatory to the date of maximum expiration of the sentence. The Board had not, however, been using this authority, its exercise being discretionary. Elmira parolees were serving all of the remainder of their sentences on parole.

The 1941 Legislature amended this portion of Section 281 to read, "A person so paroled . . . shall remain in the legal custody and under the control of the department for such period as the

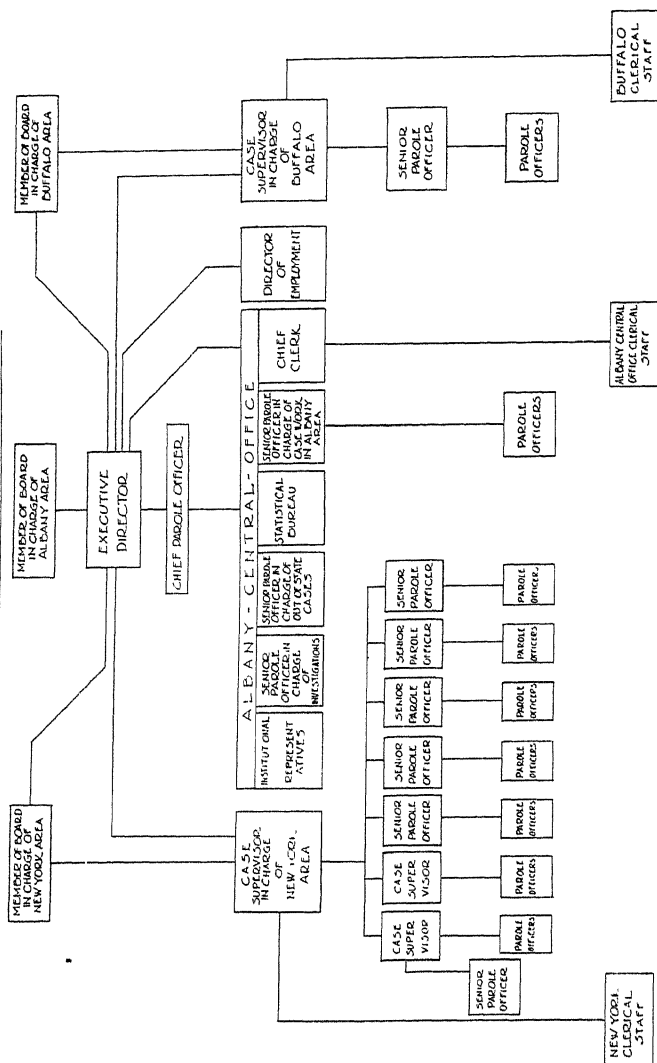
Board of Parole shall determine within the limit of the maximum term specified in his sentence."

Obviously this meant to give the Board unequivocally the power to discharge Elmira inmates from parole prior to service of the full maximum sentence, if the Board saw fit to do so. Since, without the amendment, the Board had this power, the authority, discretion, and function of the Board in no way were changed.

However, the Board of Parole, in 1941, began to consider some cases of Elmira parolees who had made satisfactory adjustments over a long enough period of time to justify final discharge prior to the expiration of the full maximum sentence. Each month since then, at a regular meeting of the Board of Parole cases of this nature have been regularly considered and passed upon.

ORGANIZATION OF DIVISION OF PAROLE

CHART OF ORGANIZATION



ORGANIZATION OF DIVISION OF PAROLE

Central Office

A central office is maintained in Albany with a clerical and a professional staff. The latter performs specialized functions. There is a statistical and research bureau attached to Central Office. A senior parole officer directs all investigations and another senior parole officer is in charge of out-of-state, cooperative and deportation cases. The Executive Clemency Bureau is in Central Office. A chief parole officer, in addition to state-wide functions, heads up Central Office and the Albany District. A case supervisor acts as administrative assistant to the Executive Director.

District Offices

For purposes of administration, the Division of Parole has established three district offices, in New York, Buffalo and Albany. Sub-district offices are maintained in Utica, Rochester, Syracuse, Elmira, Watertown and Binghamton.

New York District

Included in the New York District are 14 counties. The professional staff of this district includes three case supervisors, six senior parole officers, 58 parole officers, an employment supervisor, three employment parole officers, two executive clemency investigators, and one warrant and transfer officer. Approximately 55 per cent of all active cases are under the supervision of the New York district office.

Buffalo District

The Buffalo District includes 27 counties. The professional staff consists of one senior parole officer, 19 parole officers, and one executive clemency investigator. Approximately 17 per cent of all active cases are under the supervision of this district.

Albany District

The Albany District comprises 21 counties. The professional staff is composed of a senior parole officer and ten parole officers. A chief parole officer, in addition to state-wide functions, has charge of the Albany district and Central Office. Approximately 9 per cent of all active cases are under the supervision of the Albany district.

Out-of-State

The Out-of-State Bureau, in charge of a senior parole officer, supervises all parolees residing in other states, and all deportation, repatriation and warrant cases. Approximately 19 per cent of all active cases are under the supervision of the Out-of-State Bureau.

DISTRIBUTION OF THE 219 MEMBERS OF THE STAFF OF THE DIVISION OF PAROLE AS OF DECEMBER 31, 1942

Albany District and Central Office	Buffalo District	New York District	Institutions
1 Member of the Board of Parole	1 Member of the Board of Parole	1 Member of the Board of Parole	6 Parole Officers
1 Executive Director	1 Senior Parole Officer	2 Case Supervisors	2 Hearing Stenographers for Board Hearings
1 Chief Parole Officer	20 Parole Officers	*1 Case Supervisor	8 Institutional Clerks
*1 Secretary	1 Executive Clemency Investigator	1 Employment Supervisor	
2 Case Supervisors	17 Stenographers	5 Senior Parole Officers	
3 Senior Parole Officers		*1 Senior Parole Officer	
*1 Senior Parole Officer		51 Parole Officers	
10 Parole Officers		*6 Parole Officers	
1 Executive Clemency Investigator		2 Parole Employment Officers	
1 Chief Clerk		*1 Parole Employment Officer	
1 Principal Stenographer		1 Executive Clemency Investigator	
11 Stenographers		*1 Executive Clemency Investigator	
5 Clerks		1 Warrant and Transfer Officer	
4 File Clerks		35 Stenographers	
1 Telephone Operator		7 Clerks	
1 Laborer		2 File Clerks	
<hr/> 45 <hr/>	<hr/> 40 <hr/>	<hr/> 118 <hr/>	<hr/> 16 <hr/>

* Indicates vacancies to be filled.

SIGNIFICANT DEVELOPMENTS OF THE YEAR

SIGNIFICANT DEVELOPMENTS OF THE YEAR

Retirement of Dr. Joseph W. Moore

On June 18, 1942, Dr. Joseph W. Moore retired from the Parole Board and public service.

Dr. Moore was originally appointed to the Parole Board by the Hon. Franklin D. Roosevelt, then Governor, on September 18, 1930. He served as Chairman of the Board during that and the succeeding term, to which he was appointed June 18, 1932. He retired at the expiration of his second term, June 18, 1938. When the Honorable Joseph J. Canavan died in October, 1940, Dr. Moore was prevailed upon by Governor Herbert H. Lehman to return to the Parole Board for the unexpired term, and he reassumed the chairmanship of the Parole Board October 21, 1940. Upon the expiration of this term, Dr. Moore retired again.

Those who knew him as a public official over many years are aware of the loss suffered by parole in the State consequent upon his retirement. His brilliance, keen judgment of human beings, and uncompromising integrity and loyalty to his ideals of public service were bound to result in the highest level of performance on the part of any agency at whose helm he stood. He knows what he believes in, knows why he believes as he does, and is willing to give his full capacities to any task he undertakes. He has always been an outstanding example of the finest in public service, a man who takes seriously a public trust and will always be faithful to it.

Those privileged to know Dr. Moore not alone as a public official but as a person, a colleague and friend, respect and admire him for qualities beyond those encompassed in his official acts. This is not the place to speak of these, but his many loyal friends within the Division of Parole miss the daily contacts with him, the stimulation that arose out of knowing him. He has guided, instructed, and inspired many people, and a great many will very much regret his leaving public office. But everyone who knows him wishes him, in retirement, the happiness and satisfaction which are his due.

Appointment of Commissioner Thomas L. Holling

Upon the retirement of Dr. Joseph W. Moore, Governor Lehman appointed as a member of the Board of Parole, the Honorable Thomas L. Holling, such appointment becoming effective June 18, 1942. Commissioner Holling, a long-time resident of Buffalo, was a business man, and has been active in many civic and philanthropic affairs. He has been Mayor of the City of Buffalo.

Election of Parole Board Chairman

With the retirement of Dr. Moore it became necessary for the Board to elect a new chairman, and the Honorable Frederick A. Moran, member of the Board, and before that Executive Director, was so elected.

Turnover of Staff

One of the significant developments of the year has been the many problems created by the war, among them the great turnover of staff within the Division of Parole. Other agencies of government have been similarly affected, to be sure, and the problem is not unique to parole alone. Parole officers have left the service by resignation to accept new employment opportunities, most of them in war social services. Others have left temporarily, but "for the duration," to enter the armed forces, by enlistment and conscription. By December 31, 1942, nineteen members of the professional staff had entered the several branches of our military forces. This alone amounted to a turnover of roughly twenty per cent of the field staff.

Clerks and stenographers have left, some for the armed forces, some for more remunerative employment.

Making replacements has been difficult. The work devolving upon the remainder of the staff has increased as a consequence. Much more time than heretofore has had to be devoted to training of new staff members. These are only a few of the consequences of the turnover of staff. It is too early yet to judge what is happening to standards of work because of vacancies, the acquisition of new staff members, etc.

Increase in Load

The work of the Division of Parole has increased in 1942 because of war conditions. One factor in this has been the availability of employment for indeterminate sentence inmates who, as a result, can leave the institutions sooner than before, after serving the legal minimum of their sentences and being voted release as fit parole risks. Inmates can readily satisfy the requirement that they must have employment as a condition of release.

In 1941, a total of 2,641 indeterminate and definite sentence inmates were released to active supervision. In 1942, the number was 3,309, an increase of 668.

In 1941, the total number of individuals under the jurisdiction of the Board of Parole all or part of the year was 11,520. In 1942 the number was 12,780, an increase of 1,260.

Of these, in 1941 there were 10,104 under active supervision all or part of the year. Under active supervision in 1942 were 11,316, an increase of 1,212 over the year before.

After removals from jurisdiction for all reasons during 1941, the total number of persons under jurisdiction on December 31, was 9,023. On December 31, 1942, there were 9,485 remaining under jurisdiction of the Board of Parole, an increase of 462 over 1941.

Of the total under jurisdiction of the Board of Parole at the end of the year 1941, 7,912 were under active supervision. In 1942, there were 8,421 in this category, an increase of 509. However, 1,403 were in the armed forces on December 31, 1942, hence under jurisdiction, but with a minimum of supervision by the Board of Parole.

Increase in Number of Investigations

The increased number of individuals released under the jurisdiction of the Board of Parole in 1942 was reflected in the additional work which was necessary that year in connection with investigating cases coming before the Board for consideration. Whereas in 1941 the Division of Parole completed 11,635 investigations, the number in 1942 was 12,284, or 649 more than in the preceding year.

Persons Under Jurisdiction of the Board of Parole Serving in the Armed Forces of the Nation

On December 31, 1942, there were 1,403 individuals, indeterminate and definite sentence persons, serving in the armed forces of the nation. A man under supervision of the Division of Parole is conscripted through Selective Service if (1) the Division of Parole considers he is a good risk in all ways; (2) he is in other ways eligible; (3) he has not been convicted of certain offenses which would indicate an undesirable behavior pattern for an individual in close proximity to others; (4) active supervision is relinquished in that the parolee will not need to report, the parole officer will not undertake to supervise him while he is in service, and all active contact will cease until the parolee, if he still owes parole time, is discharged from military service.

Each parolee, prior to induction, signs a stipulation that he understands he will not be actively supervised while in service; but that immediately on release he will communicate with the Division of Parole if he still owes parole time; if not he understands he will be declared a parole violator. The expiration date of his sentence is specified in the stipulation, and the parolee indicates he is aware of this date.

The Board of Parole further writes to the Selective Service System, apprising it of the fact that while the parolee is in service no active parole supervision will be undertaken.

Discharge of Elmira Parolees Prior to Expiration of Full Maximum Sentence

In the 1941 Annual Report it was mentioned that the Board of Parole would make it a practice to consider for discharge prior to the full expiration of the maximum sentence those Elmira Reformatory parolees who had obviously adjusted well while under supervision for a considerable period. This action was to be by virtue of power granted in Section 281 of the Correction Law, Subdivision 3, and reiterated by amendment in the 1941 Legislature.

During 1942, the Board of Parole granted 857 discharges under this procedure.

Decline in Declarations of Delinquency

In 1942, as opposed to 1941, there was a decline in per capita declarations of delinquency. While gratifying for itself, the

Division of Parole cannot legitimately claim credit for all of this decline on the basis of improved treatment techniques, better selection for parole, or other factors that may or may not play some part. It is necessary to say this, in fairness, to avoid the inference that no cognizance is taken of certain important reasons why the decline was to be expected. The major factor, most likely, is that a significant number of younger persons under the jurisdiction of the Board of Parole were in the armed forces during the year, under intensive supervision and discipline, and very much less exposed to crime and general parole violation than they would be were they in the civilian population. Since younger men commit the greater number of crimes, this removes such men from temptations to which they might or might not have succumbed.

On the other hand, the increased number of releases from institutions during 1942 as opposed to 1941, offered additional subjects for exposure to crime and general parole violation. But the *increase* in releases did not entirely compensate for the *decrease*, in numbers, of men removed from civilian life by service in the military. Hence, barring other as yet unmeasured factors, we might have expected the decline in declarations of delinquency in 1942.

In 1941, 853, or 8.6 per cent, of indeterminate sentence prisoners under supervision all or part of the year were declared delinquent in that year, for all reasons, absconding, general violation of parole, and arrest without regard to eventual disposition.

In 1942, 722, or 7.0 per cent, were declared delinquent.

Among definite sentence cases, in 1941, a total of 145, or 14.4 per cent, of those under supervision all or part of the year were declared delinquent. In 1942, the number was 138, or 13.7 per cent.

Excluding those serving new or additional sentences, there were, in 1941, 9,976 indeterminate sentence prisoners under supervision all or part of the year. Of these, 253 were declared delinquent that year, and returned to correctional institutions the same year after conviction for felony or misdemeanor. (A few were convicted and were, in 1941, serving the new sentences in institutions not under the paroling jurisdiction of the Board of Parole. They were, however, found guilty of crime, and are included in the figure, 253.) Thus, in 1941, a total of 2.5 per cent of the 9,976 cases were so convicted.

In 1942, of 11,167 indeterminate sentence cases under supervision all or part of the year, 155, or 1.3 per cent, were declared delinquent, convicted of felony or misdemeanor, and started serving sentences the same year.

Among definite sentence cases, in 1941 there were 990 under supervision all or part of the year. Of these, 40 were, in 1941, declared delinquent, convicted of felony or misdemeanor, and serving the new sentences. Thus 4.0 per cent of the 990 fell in this category.

In 1942, of 1,004 under supervision all or part of the year, 30, or 3.0 per cent, were so declared delinquent, convicted, and started on the new sentences.

Manpower in Employment

Considering the needs of the country, all the individuals under supervision and all those still incarcerated in institutions of the State constitute a drop in the bucket. But every worker helps.

On December 31, 1942, a total of 97.2 per cent of all employable individuals who were under active supervision in the three district offices of the State were employed. On December 31, 1941, the figure had been 93.5. Five hundred nine persons under supervision asked for assistance of the Employment Bureau of the Division of Parole in 1942. Of these, 402 were placed by the Bureau in a total of 532 positions. Other persons under supervision, of course, needed no assistance because they had and maintained employment during the year; or they found their own jobs; or they were aided in securing employment by their parole officers or representatives of social agencies.

A total of 555 work offers were secured by the Division of Parole for inmates eligible for parole. They were thus made available to aid in the war effort.

As is explained in the section of this Report entitled *Employment For Parolees*, the Board of Parole has set up machinery to facilitate placement of inmates otherwise eligible for parole who have exhausted their own resources in seeking employment offers prior to release.

BOARD HEARINGS

TYPES OF HEARINGS CONDUCTED BY THE BOARD OF PAROLE

The first contact a prisoner has with a member of the Board of Parole is at the initial interview which occurs soon after the prisoner's arrival in prison. Every prisoner appears before the member of the Board within whose district the prison or reformatory is located. Prior to the initial interview, the member of the Board has read the probation officer's report and any other investigations relating to the prisoner that have been made.

This first interview gives to the member of the Board the opportunity to discuss parole. The prisoner is informed that the Division of Parole will render any service possible to his family or will assist in any situation causing him undue concern, provided his request for assistance is referred by the proper institutional official to the institutional representative of the Division of Parole.

Each month, the three members of the Board of Parole, acting as the Board of Parole, hold three types of hearings at the institutions over which the Board has parole jurisdiction.

The first type of hearing deals with indeterminate sentence prisoners, who have served their minimum sentences and with allowances for good time, and jail time, appear for parole consideration; and with definite sentence prisoners, who are eligible for release. The second type of hearing is for indeterminate sentence prisoners who have violated the conditions of their parole, and definite sentence prisoners who have violated the conditions of their supervision,* who have been returned as violators, have already served a further period of incarceration, and are again eligible for consideration for release under supervision.

The third type of hearing is limited to those indeterminate sentence prisoners who have violated the conditions of their parole, and those definite sentence prisoners who have violated the conditions of their supervision, and have recently been returned to the institutions for violation. The Correction Law provides that as soon as practicable, after the return of a violator, the Board of Parole must consider the cases of violators, and may, if it sees fit, require the violator to serve the balance of the maximum term or any part of it.

Total Number of Hearings Conducted by the Board of Parole

During the calendar year of 1942, the Board of Parole held a total of 7,504 formal hearings at which the three members of the Board were present. There were 7,019 hearings for indeterminate sentence prisoners, and 485 hearings for prisoners with definite sentences. These figures do not include the number of informal

* Throughout the report, the term "parole" is used in referring to indeterminate sentence prisoners, while the term "supervision" is used in referring to definite or commuted sentence prisoners, who are not released by the Board of Parole but only through the operation of the "good time" laws.

interviews held with prisoners by the individual members of the Board shortly after their reception in the institutions, or the frequent interviews held by the members of the Board upon their initiative or upon the requests of the prisoners.

Hearings for Indeterminate Sentence Prisoners

The number of formal hearings in indeterminate sentence cases was 7,019. More than three-quarters of these hearings, 5,555, or 79.2 per cent, were for the purpose of considering the original release on parole of indeterminate sentence prisoners.

Parole Violators Granted and Denied Reparole

The second group of indeterminate sentence prisoners appearing before the Board were parole violators, individuals who had not committed new felonies, but who had violated their parole and been returned to the prisons or the reformatory, and after a further period of incarceration determined by the Board, had become eligible to be considered for reparole. The number of hearings in these cases was 768, or 10.9 per cent, of the 7,019 hearings.

The remaining 696, or 9.9 per cent, of the 7,019 hearings were held in the cases of indeterminate sentence parole violators, who had violated their parole, been returned to prison or the Elmira Reformatory, and were appearing before the Board, not for reparole, but for a determination of the amount of time they would have to serve before again being considered for reparole.

Hearings for Definite Sentence Prisoners

The Board held 485 hearings in the cases of definite or commuted sentence prisoners. Two hundred fifty-seven, or 53.0 per cent, were for those eligible for release, and 111, or 22.9 per cent, of the hearings were for the definite sentence prisoners who had violated the provisions of their supervision and been returned to prison, and who were again eligible for release under supervision after serving a further period of incarceration. The remaining 117, or 24.1 per cent, of the hearings were for those definite sentence prisoners, returned to prison for violating the conditions of their supervision, and who were appearing before the Board for a hearing at which the Board was to decide the amount of time, not to exceed their maximum sentence, which they would have to serve before again being considered for release.

SUMMARY

Total Number of Appearances Before the Board of Parole

INDETERMINATE SENTENCE PRISONERS

	Attica	Auburn	Clinton	Great Meadow	Sing Sing	Wallkill	Westfield State Farm	Woodbourne	Elmira	Total	Per cent
Indeterminate sentence prisoners eligible for original parole.....	740	545	794	749	1,368	400	139	22	858	5,555	79 1
Indeterminate sentence prisoners returned as violators and appearing for consideration for parole after having been incarcerated for periods previously determined by the Board of Parole.....	183	114	144	122	110	.	9	1	85	768	11 0
Indeterminate sentence prisoners returned as violators and appearing before the Board for determination of further period of incarceration for the violation.....	101	50	10	24	253	.	8	.	250	696	9 9
TOTAL.....	1,024	709	888	895	1,731	400	156	23	1,193	7,019	100 0

DEFINITE SENTENCE PRISONERS

	61	55	75	37	23	6	.....	....	.	257	53 0
Definite sentence prisoners eligible for original release.....	61	55	75	37	23	6	.....	....	.	257	53 0
Definite sentence prisoners returned as violators and appearing for consideration for re-release after having been incarcerated for periods previously determined by the Board of Parole.....	25	28	24	21	13	.	.	.	.	111	22 9
Definite sentence prisoners returned as violators and appearing before the Board for determination of further period of incarceration for the violation.....	34	20	4	8	50	.	1	.	.	117	24 1
TOTAL.....	120	103	103	66	86	6	1	.	.	485	100 0
GRAND TOTAL — Indeterminate and definite sentence prisoners.....	1,144	812	991	961	1,817	406	157	23	1,193	7,504	.

HEARINGS FOR INDETERMINATE SENTENCE PRISONERS ELIGIBLE FOR PAROLE

Initial or First Appearance

The number of indeterminate sentence prisoners eligible for parole who made their first or initial appearance before the Board was 2,230. Of these, 486 were inmates of the Elmira Reformatory, and 1,744 were inmates of the State prisons.

Parole was granted to 177, or 36.4 per cent, of the Elmira inmates, and denied to 309, or 63.6 per cent.

In the 1,744 prison cases, parole was granted to 452, or 25.9 per cent, and denied to 1,292, or 74.1 per cent.

The figures and percentages regarding the number denied parole on their first or initial appearance are apt to be somewhat misleading if one assumes all these individuals could have been released had the Board seen fit to take such action. Actually, this is not entirely so. Indeterminate sentence prisoners who receive minimum sentences of one year or a year and three months, with allowance for good time, appear before the Board at the expiration of eight and ten months respectively. However, other provisions of the law, as the Board interprets them, require that these individuals must serve one year in prison. So that, although such individuals appeared and had a hearing prior to having served one full year, they could not have been paroled.

Others had to be held beyond their initial appearance because deportation proceedings were in process but, because of unsettled world conditions and other reasons, actual deportation was not yet possible. In cases eligible for deportation, the Board's policy is to allow release only when deportation is immediately possible.

Still other inmates appeared initially immediately after transfer from Dannemora State Hospital, where they had been hospitalized for mental diseases, the transfer back to prison being on the assumption the mental condition was at least temporarily remitted. In these cases, although the inmates receive a hearing before the Board, the invariable practice is to allow a period of time to elapse during which observation will be made of the apparent permanency of the remission or cure of the mental disease. When this seems relatively assured, the inmate will appear before the Board again.

Some individuals were, at the time of the initial appearance, suffering from venereal diseases in infectious stages. In these cases, because of the danger to the community which release would engender, the practice is to reinterview the inmate at such time, before the maximum sentence has been reached, as the condition is no longer infectious.

Thus it will be seen that, among those denied parole on initial appearance, a number could not have been paroled in any event because of legal restrictions or general policy in the interest of society.

The total number of indeterminate sentence prisoners and Elmira inmates paroled on their first appearance before the Board was 629, or 28.3 per cent of the 2,230 prisoners who appeared before the Board. The remaining 1,601, or 71.7 per cent, were denied parole, of whom 1,292 were indeterminate sentence prisoners confined in the prisons and 309 were confined in the Elmira Reformatory.

Reasons for Withholding Parole of the 1,292 Indeterminate Sentence Prisoners Making Their First or Initial Appearance Before the Board of Parole

Excluding the 309 Elmira inmates, there were 1,292 indeterminate sentence prisoners denied parole. The Correction Law specifically provides that no indeterminate sentence prisoners shall be released on parole merely as a reward for good conduct or efficient performance of duties assigned in prison, but only if the Board of Parole is of the opinion that there is reasonable probability that the prisoner will live and remain at liberty without violating the law and his release is not incompatible with the welfare of society.

With the possible exception of some of the prisoners who fall into one of the categories mentioned above—individuals who had served less than one year, persons held for deportation, observation after remission of mental illness, or because of venereal disease in infectious stage,—it is practically impossible to ascribe one given reason and one only for withholding parole. In practically every case there are multiple reasons why persons are not considered suitable for parole at a particular time. Even ascribing the principal reason is difficult. In the special categories mentioned above, for instance, the principal reason for withholding parole in a given case might be that the prisoner has a venereal disease in an infectious stage. But he might also have a very bad criminal record, poor prison conduct, or an unsuitable parole program, or a combination of all of these factors.

In any case that might be selected for study, it would be statistically untenable to ascribe one reason for denying parole, because an individual and his background and potentialities are not so simply classifiable. Usually a constellation of circumstances leads to denial of parole in each case.

Some of these reasons which play a part in the withholding of parole are:

- The need for further investigation regarding a warrant filed against the inmate
- Unsatisfactory parole program
- Seriousness of the offense
- Previous criminal record
- Poor prison conduct
- Unwillingness to cooperate in formulating parole plans
- Venereal disease in infectious stage
- Mental disease

Other illness

Deportation pending

Statutory reasons—had not served one year in prison

Reappearances

Following each appearance of an inmate before the Board of Parole, he is officially informed in writing, within a period of twenty-four hours or less, some of the main reasons why he has not been paroled, and the month and year when his case will again be considered by the Board.

First Reappearance

The number of indeterminate sentence prisoners and Elmira inmates who were denied parole on their first or initial appearance before the Board in 1942 or in previous years, and who made their first reappearance during the year was 1,822, of whom 372 were Elmira cases and 1,450 were confined in the prisons of the State.

In the cases of the 372 Elmira inmates, parole was granted to 183, or 49.2 per cent, and denied to 189, or 50.8 per cent, upon their first reappearance before the Board.

In the cases of the 1,450 prison inmates, parole was granted to 646, or 44.5 per cent, and denied to 804, or 55.5 per cent.

Of the 1,822 prisoners making their first reappearance before the Board, the total number paroled was 829, or 45.5 per cent, parole being denied to 993, or 54.5 per cent.

Second Reappearance

Nine hundred twenty-six prisoners who had been denied their release at both the original hearing and the first reappearance before the Board were given hearings. In 551, or 59.5 per cent, of the cases, parole was granted. In 375, or 40.5 per cent, it was denied.

Third Reappearance

The number of prisoners making their third reappearance before the Board was 349. Parole was granted to 219, or 62.7 per cent, and denied to 130, or 37.3 per cent.

Fourth Reappearance

The number of prisoners making their fourth reappearance before the Board was 131. Parole was granted in 76, or 58.0 per cent, of the cases, and denied in 55, or 42.0 per cent.

Fifth and Subsequent Reappearance

Ninety-seven prisoners made five or more reappearances before the Board of Parole. Of this number, parole was granted to 56, or 57.7 per cent, and denied to 41, or 42.3 per cent.

ACTION OF THE BOARD OF PAROLE IN THE CASES OF INDETERMINATE SENTENCE PRISONERS WHO APPEARED
 FOR CONSIDERATION FOR ORIGINAL PAROLE AT THE MEETINGS OF THE BOARD OF PAROLE DURING 1942

INSTITUTIONS	Number of appear- ances	INITIAL APPEARANCES		FIRST REAPPEARANCE		SECOND REAPPEARANCE		THIRD REAPPEARANCE		FOURTH REAPPEARANCE		FIFTH REAPPEARANCE		OVER FIVE REAPPEARANCES	
		Granted	Denied	Granted	Denied	Granted	Denied	Granted	Denied	Granted	Denied	Granted	Denied	Granted	Denied
Attica.....	740	90	206	111	125	93	57	25	14	9	3	1	3	2	1
Auburn.....	545	54	126	71	87	64	51	33	19	10	8	10	5	2	5
Clinton.....	734	57	199	96	128	59	76	38	28	14	13	7	8	5	6
Great Meadow.....	749	61	186	102	120	84	69	43	31	18	15	7	8	4	1
Sing Sing.....	1,368	87	405	167	269	189	102	66	33	18	14	12	2	2	2
Watkill.....	400	85	124	67	51	45	9	7	3	4	2	3	...	...	...
Westfield State Farm.....	139	16	42	27	23	13	9	6	1	1	...	1	...	...	...
Woodbourne.....	22	2	4	5	1	4	2	1	1	2	...	...	...	...	...
Elmira.....	858	177	309	183	189	...	...	...	...	...	...	...	...	...	...
TOTAL.....	5,555	629	1,601	829	993	551	375	219	130	76	55	41	26	15	15

Indeterminate Sentence Prisoners Previously Denied Parole Who Were Granted Parole During 1942 by the Board of Parole

Excluding all Elmira cases, there were 1,548 indeterminate sentence prisoners, inmates of the State prisons, who had been denied parole upon their first or subsequent appearance before the Board of Parole during the year or in previous years, who were granted parole during 1942. The average period of time for which these prisoners were held, after the date of eligibility for parole, was 17 months and 3 weeks.

As for the reasons for denial of parole, again it should be emphasized that in most cases a group of factors operate, not a unitary reason. However, to give some indication of the principal reason for denial (unsatisfactory as this is), the following analysis may be of some interest.

Of the 1,548 granted parole, there were 12 who were originally denied parole because further investigation regarding warrants on file against the inmates was necessary. The average period of time for which these prisoners were held beyond their minimum date of release before being paroled was 18 months.

Unsatisfactory parole program was primarily responsible for the failure to parole 487 prisoners on their first or subsequent appearance before the Board. These persons served an average of 11 months and $\frac{1}{4}$ week beyond their minimum date of release before being paroled.

Poor background, leading to the belief the inmates were unsatisfactory parole risks, led to original denial of parole to 652 inmates who, when subsequently paroled, had served an average of 25 months, 2 weeks, beyond their minimum eligibility date for release.

Poor prison conduct resulted in 62 prisoners being held an average of 26 months, 1 week.

Unwillingness on the part of inmates to cooperate in formulating a parole program resulted in 17 prisoners being held an average of 21 months, 2 weeks.

Four prisoners suffering from venereal disease in an infectious stage were held, on the average, 21 months, 3 weeks.

Fifteen inmates were held beyond their minimum eligibility date because they were suffering from mental illness. They were held for an average of 26 months.

Other illness accounted for denial of parole at the minimum eligibility date to nine inmates, who were held an average of 13 months, 2 weeks.

In fourteen cases, deportation was pending, and these prisoners were held an average of 24 months, $3\frac{3}{4}$ weeks, beyond their earliest eligibility date.

Two hundred twenty-three inmates were originally denied parole because they had not served one full year in prison. The average period of time for which these prisoners were held beyond their minimum date of release before being paroled was 7 months, 3 weeks. Obviously, after they became eligible by serving a full year, other factors entered in militating against immediate release.

In 44 cases, the Board wanted further preparole investigation to clear up important points or give more adequate background toward an understanding of the cases, and these individuals, before eventual release, had served an average of 8 months, $\frac{1}{4}$ week, beyond their minimum eligibility date.

Nine inmates had been held for other reasons for an average of 29 months, 2 weeks before being paroled.

REASONS FOR ORIGINAL DENIAL OF PAROLE AND AVERAGE PERIOD HELD OVER FROM DATE OF INITIAL APPEARANCE TO DATE OF RELEASE OF THE 1,548 INDETERMINATE PRISONERS GRANTED PAROLE ON THEIR REAPPEARANCE BEFORE THE BOARD OF PAROLE DURING 1942

REASONS FOR ORIGINAL DENIAL	Average period held over		
	Number	Months	Weeks
Further investigation re warrant.....	12	18	..
Unsatisfactory program	487	11	$\frac{1}{4}$
Poor background	652	25	2
Poor prison conduct.....	62	26	1
Unwillingness to cooperate in formulating parole plans	17	21	2
Venereal disease in infectious stage.....	4	21	3
Mental disease	15	26	..
Other illness	9	13	2
Deportation pending	14	24	$3\frac{3}{4}$
Statutory reasons—had not served one year in prison	223	7	3
Further preparole investigation.....	44	8	$\frac{1}{4}$
Other reasons	9	29	2
TOTAL	<u>1,548</u>	<u>17</u>	<u>3</u>

The following table shows the action of the Board of Parole in the cases of indeterminate sentence prisoners appearing before the Board during the period 1934 through 1942:

ACTION OF BOARD OF PAROLE IN CASES OF INDETERMINATE SENTENCE PRISONERS APPEARING FOR PAROLE FROM 1934 TO 1942																		
APPEARANCE	1934 Per cent		1935 Per cent		1936 Per cent		1937 Per cent		1938 Per cent		1939 Per cent		1940 Per cent		1941 Per cent		1942 Per cent	
	Granted	Denied	Granted	Denied	Granted	Denied	Granted	Denied	Granted	Denied	Granted	Denied	Granted	Denied	Granted	Denied	Granted	Denied
Initial or first appearance	59.7	40.3	47.7	52.3	42.5	57.5	36.1	63.9	30.5	69.5	23.4	76.6	22.9	77.1	25.2	74.8	28.2	71.8
First reappearance.	65.1	34.9	58.8	41.2	50.5	49.5	44.0	56.0	47.6	52.4	29.0	71.0	31.8	68.2	40.0	60.0	45.5	54.5
Second reappearance	55.8	44.2	54.0	46.0	53.2	46.8	40.7	59.3	41.9	58.1	38.8	61.2	36.9	63.1	42.7	57.3	59.5	40.5
Third reappearance	68.9	31.1	54.8	45.2	52.1	47.9	40.4	59.6	38.3	61.7	37.0	63.0	33.3	66.7	44.9	55.1	62.8	37.2
Fourth reappearance	.....	.....	40.0	60.0	44.0	56.0	37.9	62.1	34.2	65.8	33.3	66.7	40.8	59.2	49.4	50.6	58.0	42.0
Fifth reappearance	.....	.....	9.1	90.9	58.3	41.7	30.0	70.0	23.3	76.7	35.1	64.9	36.2	63.8	63.0	37.0	61.2	38.8
Over five reappearances.	.....	.....	33.3	66.7	23.1	76.9	25.0	75.0	42.1	57.9	15.8	84.2	45.7	54.3	52.0	48.0	50.0	50.0

HEARINGS FOR INDETERMINATE SENTENCE PAROLE VIOLATORS

Indeterminate Sentence Parole Violators Eligible for Consideration for Reparole

The return of a parole violator to the reformatory or to the prisons of the State is either by order of the Board of Parole or by the imposition of a new sentence after conviction of a subsequent felony.

When a parolee violates any of the conditions of his parole, he may, after having been declared a violator by the Board of Parole, be returned to the reformatory or to a prison, and he may be required to serve all or part of the remainder of his original sentence from the date of the declaration of delinquency. Parolees committed to prison for the commission of felonies while on parole, are returned with new sentences imposed by the courts. In these cases, the law provides that after a fixed date, a released prisoner on parole who is convicted of another felony while on parole, must serve the remaining portion of his sentence before beginning to serve the new sentence imposed by the court. This provision of the law does not, however, apply to prisoners paroled from the Elmira Reformatory. When an individual on parole from the Elmira Reformatory is convicted of another felony, he is returned to a State prison and not to Elmira Reformatory. After his return, the Board of Parole determines the amount of time this violator must serve on his first sentence before beginning to serve his second sentence.

The Board of Parole conducted 768 formal hearings for parole violators who, after having been incarcerated for the period of time determined by the Board of Parole, were eligible for reconsideration.

The parole violators appearing before the Board for consideration for reparole are of two kinds. In the first group are those returned on original sentences. These individuals have not been convicted of new felonies, but have violated the agreement governing their parole. It is accepted by the Board that the parole agreement which every indeterminate sentence prisoner must sign and which includes the rules governing the parolee's conduct on parole, will be adhered to by parolees and when ignored or violated, drastic action will be taken by the Board.

The number of such violators appearing before the Board for consideration for reparole was 672. In 331, or 49.3 per cent, reparole was granted, and in 341, or 50.7 per cent, it was denied.

The second type of parole violator appearing before the Board is the individual who has committed and been convicted of a new felony while on parole. With minor exceptions, all these individuals had originally been released from the Elmira Reformatory. Among the exceptions were individuals released from the prisons of the State prior to July 1, 1928. Prisoners released after this date

who are convicted of another felony while on parole must serve the remaining portion of their sentence, from the date of parole until the maximum expiration, before beginning to serve their new sentence.

There were 96 prisoners who had been returned as parole violators because of conviction of new felonies, who appeared before the Board for reparole on their first sentence. Reparole was granted to 74, or 77.1 per cent, and denied to 22, or 22.9 per cent. Reparole granted to parole violators returned with new sentences does not mean that these individuals are actually returned to the community, but after a fixed period of incarceration, they are paroled by the Board to start serving their second or new sentence.

The grand total of the parole violators appearing before the Board for reconsideration of the Board was 768. Reparole was granted in 405, or 52.7 per cent of the cases, and denied to 363, or 47.3 per cent.

ACTION OF THE BOARD OF PAROLE IN CASES OF INDETERMINATE SENTENCE PRISONERS RETURNED AS PAROLE VIOLATORS AND ELIGIBLE FOR CONSIDERATION FOR REPAROLE, AFTER HAVING BEEN INCARCERATED FOR THE AMOUNT OF TIME PREVIOUSLY DETERMINED BY THE BOARD OF PAROLE

INSTITUTIONS	RETURNED ON ORIGINAL SENTENCE		RETURNED WITH NEW SENTENCE		Total granted	Total denied	Grand total
	Granted	Denied	Granted*	Denied			
Attica.....	85	71	21	6	106	77	183
Auburn.....	46	55	12	1	58	56	114
Clinton.....	49	71	16	8	65	79	144
Great Meadow.....	53	51	16	2	69	53	122
Sing Sing.....	41	55	9	5	50	60	110
Walkkill.....	..	..	..	..	..	..	.....
Westfield State Farm.....	3	6	..	..	3	6	9
Woodbourne.....	1	..	..	..	1	..	1
Elmira.....	53	32	..	..	53	32	85
TOTAL.....	331	341	74	22	405	363	768

* With minor exceptions all these prisoners had originally been paroled from Elmira Reformatory.

Indeterminate Sentence Parole Violators Appearing Before the Board for Determination of Periods of Incarceration

When an indeterminate sentence parolee violates the conditions of his parole and is returned to the reformatory or to prison, the Correction Law provides that the Board of Parole must "consider the cases of parole violators soon after their return and may, if it sees fit, require such prisoners to serve out in prison the balance of the maximum term . . . or such part thereof as it may determine."

During the year a total of 696 indeterminate sentence parole violators, just returned to institutions, appeared before the Board. Of these, 619, or 88.9 per cent, were violators returned, not for new

felonies, but for the violation of the parole agreement, and 77, or 11.1 per cent, were returned with new sentences.

Of the 619 returned on original sentences, 111, or 17.9 per cent, were granted parole during 1942, and 508, or 82.1 per cent, were denied.

Of the 77 who had been returned with new sentences, 11, or 14.3 per cent, were paroled to start new sentences, and 66, or 85.7 per cent, were held for further incarceration before being allowed to start serving new sentences.

**ACTION OF THE BOARD OF PAROLE DURING 1942 IN THE CASES OF
INDETERMINATE SENTENCE PAROLEES WHO HAD VIOLATED
THEIR PAROLE AND HAD BEEN RETURNED AS PAROLE VIOLATORS
TO THE PRISONS OR ELMIRA REFORMATORY**

INSTITUTIONS	RETURNED ON ORIGINAL SENTENCE		RETURNED WITH NEW SENTENCE		Total granted	Total denied	Grand total
	Granted	Denied	Granted	Denied			
Attica	89	4	8	4	97	101
Auburn	50	.	.	.	50	50
Clinton	4	.	6	.	10	10
Great Meadow	.	24	.	.	.	24	24
Sing Sing	194	7	52	7	246	253
Wallkill
Westfield State Farm	.	8	.	.	.	8	8
Woodbourne
Elmira	111	139	.	.	111	139	250
TOTAL	111	508	11	66	122	574	696

HEARINGS FOR DEFINITE SENTENCE PRISONERS ELIGIBLE FOR RELEASE

Definite sentence prisoners must be released at the expiration of their fixed sentences, less time off for good conduct and work willingly performed. The Correction Law specifies the maximum allowance of good time permitted these prisoners for good conduct and willing and efficient application to duties assigned. A prison board in each prison, consisting of administrative officials, passes upon their allowance in the first instance and makes its recommendations to the Governor. The Governor then passes upon these recommendations and approves the date upon which the prisoner must be released. One of the conditions appended to the commutation is that the prisoner remain under the jurisdiction and control of the Board of Parole for the period for which the sentence has been commuted.

If these prisoners agree in writing to accept all of the conditions imposed by the Board of Parole, the Board has no power to grant or withhold their release. Their appearance before the Board of Parole is to make certain that they understand that they will be under the jurisdiction of the Board of Parole, and if they violate the conditions of their release, they may be returned to prison as violators.

There were 257 definite sentence prisoners who appeared before the Board of Parole, who were granted release under supervision for the unexpired period of their sentence, upon their acceptance of the supervision of the Board of Parole.

DEFINITE SENTENCE PRISONERS WHO APPEARED BEFORE THE BOARD AFTER COMMUTATION OF THEIR SENTENCES AND WHO WERE RE- LEASED UPON SIGNING SUPERVISION AGREEMENTS

PRISONS	Number
Attica	61
Auburn	55
Clinton	75
Great Meadow	37
Sing Sing	23
Wallkill	6
Westfield State Farm . . . . .	..
Woodbourne . . . . .	..
TOTAL	257

HEARINGS FOR DEFINITE SENTENCE VIOLATORS OF SUPERVISION AGREEMENTS

Definite Sentence Violators Eligible for Consideration for Re-Release

It is again stressed that definite sentence prisoners are not released by action of the Board of Parole but by the automatic operation of "good time" laws which have been on the statute books of the State since 1817. However, when a definite sentence prisoner agrees to accept the supervision of the Board of Parole, he agrees in writing to adhere to definite and specific rules and regulations, and if he violates the conditions of his supervision, he can be declared delinquent by the Board and returned to prison in exactly the same manner as an indeterminate sentence prisoner.

Definite sentence prisoners returned for violations of their supervision agreement and not because of new felony conviction may again be released to supervision at the discretion of the Board of Parole any time prior to the expiration of their maximum sentences.

The Board of Parole conducted 111 hearings for violators who were eligible for consideration for re-release to supervision, after having been incarcerated for the period of time previously determined by the Board.

All of the hearings were in cases of definite sentence violators who had not committed new crimes, but had violated the terms of their supervision agreement. In 62, or 55.9 per cent, of these 111 cases, release was granted. In 49, or 44.1 per cent, it was denied.

No definite sentence violators returned with new sentences appeared before the Board after serving all or a portion of their old sentences.

ACTION OF THE BOARD OF PAROLE DURING 1942 IN THE CASES OF DEFINITE SENTENCE PRISONERS WHO HAD VIOLATED THEIR SUPERVISION AGREEMENTS AND HAD BEEN RETURNED TO PRISON AND WERE ELIGIBLE FOR CONSIDERATION FOR RE-RELEASE AFTER HAVING BEEN INCARCERATED FOR THE AMOUNT OF TIME PREVIOUSLY DETERMINED BY THE BOARD OF PAROLE

INSTITUTIONS	RETURNED ON ORIGINAL SENTENCE		RETURNED WITH NEW SENTENCE		Total granted	Total denied	Grand total
	Granted	Denied	Granted	Denied			
Attica.....	16	9	...	...	16	9	25
Auburn.....	13	15	...	...	13	15	28
Clinton.....	13	11	...	...	13	11	24
Great Meadow.....	11	10	...	...	11	10	21
Sing Sing.....	9	4	...	...	9	4	13
Wallkill.....	...	...	...	...	...	...	...
Westfield State Farm.....	...	...	...	...	...	...	...
Woodbourne.....	...	...	...	...	...	...	...
TOTAL..	62	49	.....	.....	62	49	111

Definite Sentence Violators Appearing Before the Board of Parole for Determination of Periods of Incarceration

As in the cases of indeterminate sentence prisoners, the law requires that when a person is returned to prison because of the violation of his supervision agreement, the Board must consider his case and determine what part of the balance of his term he should be required to serve. All such prisoners who are returned appear before the Board of Parole at the first meeting subsequent to the return of the prisoner. The definite or commuted sentence prisoner, like the indeterminate sentence parole violator, is given a hearing and an opportunity to explain the circumstances surrounding his violation of the supervision agreement. The Board then decides what period of further incarceration he shall serve before being again considered for release to supervision.

During 1942, 117 definite sentence prison violators appeared before the Board of Parole. One hundred fourteen were violators of their supervision agreements, and three had been returned with new sentences after conviction of another felony. Release was granted in three of these cases, all from among those returned on original sentences.

ACTION OF THE BOARD OF PAROLE DURING 1942 IN THE CASES OF DEFINITE SENTENCE PRISONERS WHO HAD VIOLATED THEIR SUPERVISION AGREEMENTS AND HAD BEEN RETURNED TO PRISON

INSTITUTIONS	RETURNED ON ORIGINAL SENTENCE		RETURNED WITH NEW SENTENCE		Total granted	Total denied	Grand total
	Granted	Denied	Granted	Denied			
Attica...	1	32	1		1	33	34
Auburn		20				20	20
Clinton		4				4	4
Great Meadow . .		8				8	8
Sing Sing	2	46	2		2	48	50
Wallkill							
Westfield State Farm .		1				1	1
Woodbourne							
TOTAL	3	111	3		3	114	117

**NUMBER OF INDIVIDUALS UNDER THE JURISDICTION OF
THE BOARD OF PAROLE**

NUMBER OF INDIVIDUALS UNDER THE JURISDICTION OF THE BOARD OF PAROLE

For greater clarity, it is necessary to define some of the terms used in this section.

Active cases are persons under the supervision of the Board of Parole in communities in New York State or other states.

Deportation cases are prisoners who, by Federal law, were eligible for deportation; had been released for deportation only; and are, without their maximum sentences having expired, residing in the countries to which they were deported.

Warrant cases are individuals released and under the jurisdiction of the Board of Parole, who had warrants filed against them prior to release, calling for court process to determine the disposition of these warrants. Such warrants represent charges of crimes believed to have been committed prior to the incarceration of the prisoner for the offense for which he currently is serving time. Where such a warrant is on file, the inmate is released to face it, and he remains in the "warrant case" series until that warrant has been satisfied and the individual is eventually free and under active parole supervision.

Repatriation cases are those in which prisoners have been released for voluntary return to the countries where they have citizenship. They remain in the repatriation series until their maximum sentences have expired.

Persons *-serving new or additional sentences* are inmates of New York State prisons who, having served at least the legal minimum of an earlier sentence, have been paroled to start service of an additional sentence, all the time remaining in custody. There are two types of cases in this category. Some prisoners were originally paroled from the Elmira Reformatory and returned to State prison with new sentences, the Elmira maximum sentence not yet having expired. Later they were paroled on the remainder of the Elmira sentence to enable them to start service of the additional term. Others came to prison originally with two separate sentences to run consecutively. Upon completion of at least the lower legal limit of the first sentence the Board may parole such inmates to begin service of the second sentence.

Original release is the initial release of an inmate on a given sentence. If he never returns to the institution owing time on that sentence, this will be the only release which took place in his case.

Re-release refers to persons who were originally released under parole supervision, returned as parole violators, and subsequently, after serving some time for such violation, and before the maximum sentence has expired, released again to supervision.

At the beginning of the calendar year of 1942, the Board of Parole had under its jurisdiction 9,023 individuals. Under active supervision were 7,333 indeterminate sentence prisoners and 579 definite or commuted sentence prisoners. There were 339 indetermi-

nate sentence prisoners and 39 with definite sentences, who had been released to meet deportation warrants, but who must, according to the provisions of the Correction Law, remain under supervision until the expiration of their maximum sentences.

An additional 120 persons had been released to meet other warrants, 84 with indeterminate sentences and 36 with definite sentences.

Ninety-nine prisoners had been released for repatriation, to return to their native countries at their own expense, of whom 96 were indeterminate sentence persons while 3 had definite sentences.

Five hundred fourteen prisoners, 503 with indeterminate sentences and 11 with definite sentences, while still remaining incarcerated, were allowed to start serving new or additional sentences.

During the year a grand total of 3,757 prisoners were placed under the jurisdiction of the Board, 3,408 with indeterminate sentences and 349 with definite sentences. The figure, 3,757, not only includes the 3,309 prisoners, 3,002 with indeterminate sentences and 307 with definite sentences, placed under active supervision, but also 43 prisoners released for deportation, 32 with indeterminate sentences and 11 with definite sentences; 209 released to meet warrants, 196 with indeterminate sentences and 13 with definite sentences; 2 indeterminate sentence prisoners released for repatriation; 95 prisoners allowed to start serving new or additional terms, 93 of these being indeterminate sentence persons and 2 being definite sentence individuals; and 99 persons, 83 with indeterminate sentences and 16 with definite terms, who had been removed from supervision through declaration of delinquency, and who were restored to supervision status during the year.

The total number of persons under jurisdiction all or part of the year was 12,780, of whom 11,763 had indeterminate sentences and 1,017 had definite sentences.

There were 11,316, or 88.5 per cent, of the 12,780 individuals, under active supervision, 10,414 with indeterminate sentences and 902 with definite sentences.

Four hundred twenty-four, or 3.3 per cent, were deportation cases, 374 with indeterminate sentences and 50 with definite terms.

Three hundred twenty-nine, or 2.6 per cent, were warrant cases, 280 indeterminate sentence prisoners and 49 definite sentence cases.

One hundred two, or 0.8 per cent, were repatriation cases, 99 with indeterminate and 3 with definite sentences.

Six hundred nine, or 4.8 per cent, had been allowed to start serving new or additional sentences. Of these, 596 were indeterminate sentence cases and 13 definite sentence cases.

The total number removed from supervision during the year for all reasons was 3,295, of whom 3,004 had indeterminate sentences and 291 had definite sentences.

Of the 3,295 removed, 2,339 were discharged at the expiration of their maximum sentences, 2,186 indeterminate sentence and 153 definite sentence cases.

Death was responsible for the removal from supervision of an additional 46 persons, all indeterminate sentence cases

Nine hundred ten individuals, 772 with indeterminate sentences and 138 with definite sentences, were declared delinquent and removed from supervision.

The total number remaining under jurisdiction on December 31, 1942, was 9,485, of whom 8,759 had indeterminate sentences and 726 had definite sentences.

The total number under active supervision was 8,421, or 88.8 per cent, of the 9,485; 7,759 of those under active supervision had indeterminate sentences and 662 had definite sentences.

Three hundred twenty-seven, 299 with indeterminate sentences and 28 with definite sentences, were deportation cases.

One hundred thirty-four were warrant cases, 110 with indeterminate sentences and 24 with definite sentences

Eighty-seven, 86 indeterminate sentence prisoners and 1 definite sentence case, were repatriation cases.

Five hundred sixteen, 505 indeterminate sentence prisoners and 11 definite sentence cases, had been allowed to start serving new or additional sentences.

The statistical summary which follows shows the movement during the year of the individuals under the jurisdiction of the Board of Parole:

STATISTICAL SUMMARY

	ON INDETERMINATE SENTENCES				DEFINITE SENTENCES		TOTAL	
	Elmira		Prisons		Num- ber	Per cent	Num- ber	Per cent
	Num- ber	Per cent	Num- ber	Per cent				
Number under supervision on January 1, 1942:								
Active supervision	3,099	97.3	4,234	81.9	579	86.7	7,912	87.7
Deportation cases	48	1.5	291	5.6	39	5.8	378	4.2
Warrant cases	24	0.7	60	1.2	36	5.4	120	1.3
Repatriation cases	15	0.5	81	1.6	8	0.5	99	1.1
Serving new or additional sentences			508	9.7	11	1.6	514	5.7
Total number under supervision on January 1, 1942	3,186	100.0	5,169	100.0	668	100.0	9,023	100.0
Released during 1942 to active supervision:								
On original release	587	68.5	1,872	87.3	243	79.2	2,702	81.7
On re-release (first)	220	25.7	230	10.7	54	17.6	504	15.2
On re-release (second)	45	5.2	39	1.8	9	2.9	93	2.8
On re-release (third)	4	0.5	3	0.1	1	0.3	8	0.2
On re-release (fourth)	1	0.1	1	0.1			2	0.1
Total released to active supervision	857	100.0	2,145	100.0	307	100.0	3,309	100.0
Released during 1942 for deportation:								
On original release	1	100.0	31	100.0	10	90.9	42	97.7
On re-release					1	9.1	1	2.3
Total released for deportation	1	100.0	31	100.0	11	100.0	43	100.0
Released during 1942 to meet warrant:								
On original release	46	82.1	134	95.7	13	100.0	193	82.3
On re-release	10	17.9	6	4.3			16	7.7
Total released to meet warrants	56	100.0	140	100.0	13	100.0	209	100.0

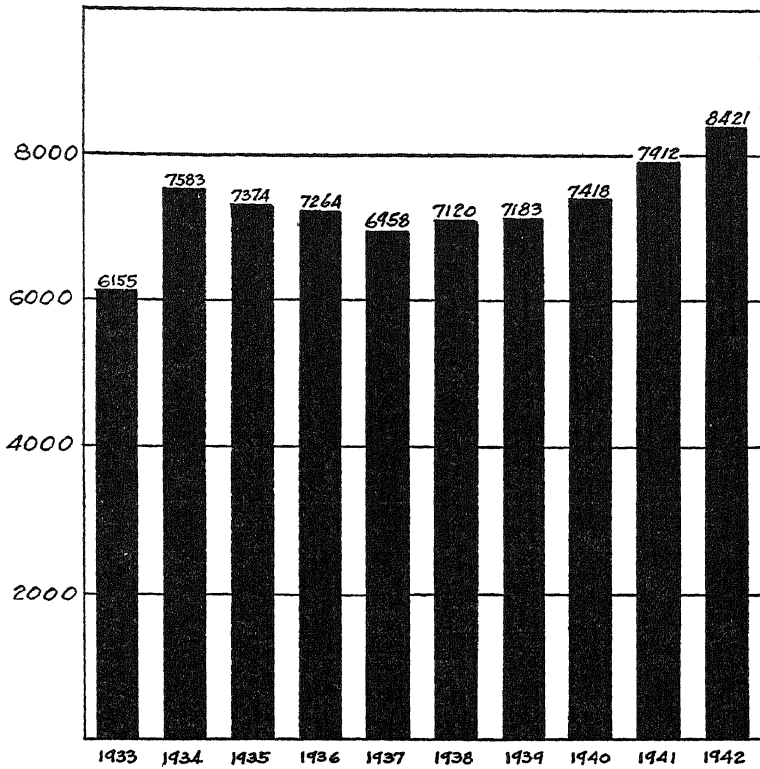
STATISTICAL SUMMARY — (Concluded)

	ON INDETERMINATE SENTENCES				DEFINITE SENTENCES		TOTAL	
	Elmira		Prisons					
	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent
Released during 1942 for repatriation.								
On original release.....			2				2	
Permitted during 1942 to start serving new or additional sentences			93		2		95	
Restored to supervision status through cancellation of delinquency.								
Active supervision.....	36	92.3	43	97.7	16	100.0	95	96.0
Deportation cases	2	5.1	1	2.3			3	3.0
Repatriation cases.....	1	2.6					1	1.0
Total restored to supervision status	39	100.0	44	100.0	16	100.0	99	100.0
Total of all persons under jurisdiction for all or part of 1942:								
Active supervision	3,992	96.4	6,422	84.3	902	88.7	11,316	88.5
Deportation cases	51	1.2	323	4.2	50	4.9	424	3.3
Warrant cases	80	2.0	200	2.6	49	4.8	329	2.6
Repatriation cases	16	0.4	83	1.1	3	0.3	102	0.8
Serving new or additional sentences			596	7.8	13	1.3	609	4.8
GRAND TOTAL	4,139	100.0	7,624	100.0	1,017	100.0	12,780	100.0
Discharged during 1942 by expiration of maximum term:								
Active supervision	1,144	99.3	873	84.4	124	81.1	2,141	91.5
Deportation cases	6	0.5	55	5.3	13	8.5	74	3.2
Warrant cases	1	0.1	6	0.6	12	7.8	19	0.8
Repatriation cases	1	0.1	9	0.9	2	1.3	12	0.5
Serving new or additional sentences			91	8.8	2	1.3	93	4.0
Total discharged by maximum expi- ration.	1,152	100.0	1,034	100.0	153	100.0	2,339	100.0
Discharged during 1942 by death:								
Active supervision.....	9	100.0	36	97.3			45	97.8
Deportation cases.....			1	2.7			1	2.2
Total discharged by death.....	9	100.0	37	100.0			46	100.0
Removed during 1942 by declaration of delinquency.								
Active supervision	298	99.4	469	99.4	136	98.6	903	99.3
Deportation cases			3	0.6			3	0.3
Warrant cases	1	0.3			2	1.4	3	0.3
Repatriation cases.....	1	0.3					1	0.1
Total removed by declaration of delinquency.....	300	100.0	472	100.0	138	100.0	910	100.0
Grand total discharged or removed from supervision.....	1,461		1,543		291		3,295	
Number under jurisdiction on December 31, 1942:*								
Active supervision.....	2,580	96.3	5,179	85.2	662	91.2	8,421	88.8
Deportation cases	45	1.7	254	4.2	28	3.9	327	3.5
Warrant cases	39	1.5	71	1.1	24	3.3	134	1.4
Repatriation cases	14	0.5	72	1.2	1	0.1	87	0.9
Serving new or additional sentences			505	8.3	11	1.5	516	5.4
GRAND TOTAL.....	2,678	100.0	6,081	100.0	726	100.0	9,485	100.0

* As a result of transfers between different types of cases (active, deportation, warrant and repatriation) adjustments have been made in the number of parolees under each type of supervision on December 31, 1942.

Active supervision received..... 194 from the other types
Deportation cases lost..... 19 to the other types
Warrant cases lost..... 173 to the other types
Repatriation cases lost..... 2 to the other types

NUMBER OF PERSONS CARRIED UNDER ACTIVE
SUPERVISION BY THE DIVISION OF PAROLE
ON DECEMBER 31 OF EACH YEAR



INDETERMINATE SENTENCE CASES

INDETERMINATE SENTENCE PRISONERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE DURING 1942

On January 1, 1942, the Board of Parole had under its jurisdiction a grand total of 8,355 indeterminate sentence prisoners, 3,186 from the Elmira Reformatory and 5,169 from the prisons of the State.

During the calendar year, 3,408 individuals were added by release to supervision, for deportation, to meet warrants, for repatriation, to start serving new or additional sentences, or by cancellation of delinquency of parole violators, which again placed them under active supervision.

Included among prison cases is an indeterminate sentence case from Herkimer County Jail, over which institution the Board of Parole has no paroling jurisdiction. This individual was released by commutation of his sentence by the Governor, on condition he be under parole supervision for the unexpired balance of his term.

The total number of indeterminate sentence prisoners under the jurisdiction of the Board of Parole for all or part of 1942 was 11,763. Of these, 4,139 were from the Elmira Reformatory and 7,624 were from State prisons.

There were 3,004 parolees removed from the jurisdiction of the Board of Parole by the expiration of their maximum sentences, by death, and by declaration of delinquency. Of these, 1,461 were Elmira parolees and 1,543 were prison cases.

On December 31, 1942, there were 8,759 individuals under the jurisdiction of the Board of Parole. Of these, 2,678 were Elmira parolees and 6,081 were prison parolees.

The following table shows the movement of indeterminate sentence parolees during the year:

STATISTICAL SUMMARY

INDETERMINATE SENTENCES

PRISONERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE

	Elmira		Prisons		Total	
	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent
Number under supervision on January 1, 1942						
Active supervision.	3,099	97.3	4,234	81.9	7,333	87.8
Deportation cases.	48	1.5	291	5.6	339	4.1
Warrant cases.	24	0.7	60	1.2	84	1.0
Repatriation cases.	15	0.5	81	1.6	96	1.1
Serving new or additional sentences.			503	9.7	503	6.0
Total number under supervision on January 1, 1942.	3,186	100.0	5,169	100.0	8,355	100.0
Released during 1942 to active supervision:						
On original release.	587	68.5	1,872	87.3	2,459	81.9
On re-release (first).	220	25.7	230	10.7	450	15.0
On re-release (second).	45	5.2	39	1.8	84	2.8
On re-release (third).	4	0.5	3	0.1	7	0.2
On re-release (fourth).	1	0.1	1	0.1	2	0.1
Total released to active supervision.	857	100.0	2,145	100.0	3,002	100.0
Released during 1942 for deportation:						
On original release.	1	100.0	31	100.0	32	100.0

INDETERMINATE SENTENCES — (Concluded)

PRISONERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE

	Elmira		Prisons		Total	
	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent
Released during 1942 to meet warrant:						
On original release.	46	82.1	134	95.7	180	91.8
On re-release.	10	17.9	6	4.3	16	8.2
Total released to meet warrants	56	100.0	140	100.0	196	100.0
Released during 1942 for repatriation:						
On original release.			2	.....	2	..
Permitted during 1942 to start serving new or additional sentences.			93	..	93	.
Restored to supervision status through can- cellation of delinquency.						
Active supervision	36	92.3	43	97.7	79	95.2
Deportation cases.	2	5.1	1	2.3	3	3.6
Repatriation cases.	1	2.6		.	1	1.2
Total restored to supervision status	39	100.0	44	100.0	83	100.0
Total of all persons under jurisdiction for all or part of 1942:						
Active supervision	3,992	96.4	6,422	84.3	10,414	88.5
Deportation cases	51	1.2	323	4.2	374	3.2
Warrant cases	80	2.0	200	2.6	280	2.4
Repatriation cases	16	0.4	83	1.1	99	0.8
Serving new or additional sentences			596	7.8	596	5.1
GRAND TOTAL	4,139	100.0	7,624	100.0	11,763	100.0
Discharged during 1942 by expiration of maximum term.						
Active supervision	1,144	99.3	873	84.4	2,017	92.3
Deportation cases	6	0.5	55	5.3	61	2.8
Warrant cases	1	0.1	6	0.6	7	0.3
Repatriation cases.	1	0.1	9	0.9	10	0.4
Serving new or additional sentences			91	8.8	91	4.2
Total discharged by maximum expira- tion.	1,152	100.0	1,034	100.0	2,186	100.0
Discharged during 1942 by death						
Active supervision	9	100.0	36	97.3	45	97.8
Deportation cases. ....		..	1	2.7	1	2.2
Total discharged by death	9	100.0	37	100.0	46	100.0
Removed during 1942 by declaration of delinquency:						
Active supervision	298	99.4	469	99.4	767	99.4
Deportation cases			3	0.6	3	0.4
Warrant cases	1	0.3		.	1	0.1
Repatriation cases	1	0.3		.....	1	0.1
Total removed by declaration of delin- quency.	300	100.0	472	100.0	772	100.0
Grand total discharged or removed from supervision	1,461	.....	1,543	...	3,004	...
Number under jurisdiction on December 31, 1942:*						
Active supervision	2,580	96.3	5,179	85.2	7,759	88.6
Deportation cases	45	1.7	254	4.2	299	3.4
Warrant cases	39	1.5	71	1.1	110	1.2
Repatriation cases	14	0.5	72	1.2	86	1.0
Serving new or additional sentences. ....		.....	505	8.3	505	5.8
GRAND TOTAL	2,678	100.0	6,081	100.0	8,759	100.0

* As a result of transfers between different types of cases (active, deportation, warrant and repatriation) adjustments have been made in the number of persons under each type of supervision on December 31, 1942.

Active supervision received. 174 from the other types
Repatriation cases lost. 2 to the other types
Deportation cases lost. 10 to the other types
Warrant cases lost. 162 to the other types

SOCIAL STATISTICS—INDETERMINATE SENTENCE RELEASES

Sex and Color of the 3,232 Indeterminate Sentence Prisoners Released During 1942

Excluding prison inmates paroled to start serving new sentences, and the parolees restored to parole status through the cancellation of their parole violation, 3,232 indeterminate sentence prisoners were released to parole supervision during 1942. This includes the one Herkimer County Jail case released by Governor's commutation of sentence and supervised by the Board of Parole, although the Board has no paroling jurisdiction over the Jail. This case is counted in the statistics as a prison case.

Sex

A separation of these persons by sex shows that 3,163, or 97.9 per cent, were males and 69, or 2.1 per cent, were females.

Color

The number of white indeterminate sentence prisoners paroled was 2,346, or 72.5 per cent, while the number of Negro paroled prisoners was 871, or 27.0 per cent. The remaining 15, or 0.5 per cent, belonged to other racial groups.

Age Distribution of the 3,232 Indeterminate Sentence Prisoners Released During 1942

No juvenile delinquent, a boy or girl under sixteen years of age, may be committed to the Elmira Reformatory or to a State prison. The convicted offender who is at least sixteen years of age but who has not reached his thirty-first birthday, may be committed to the Elmira Reformatory. Hence all Elmira cases are necessarily over sixteen years old.

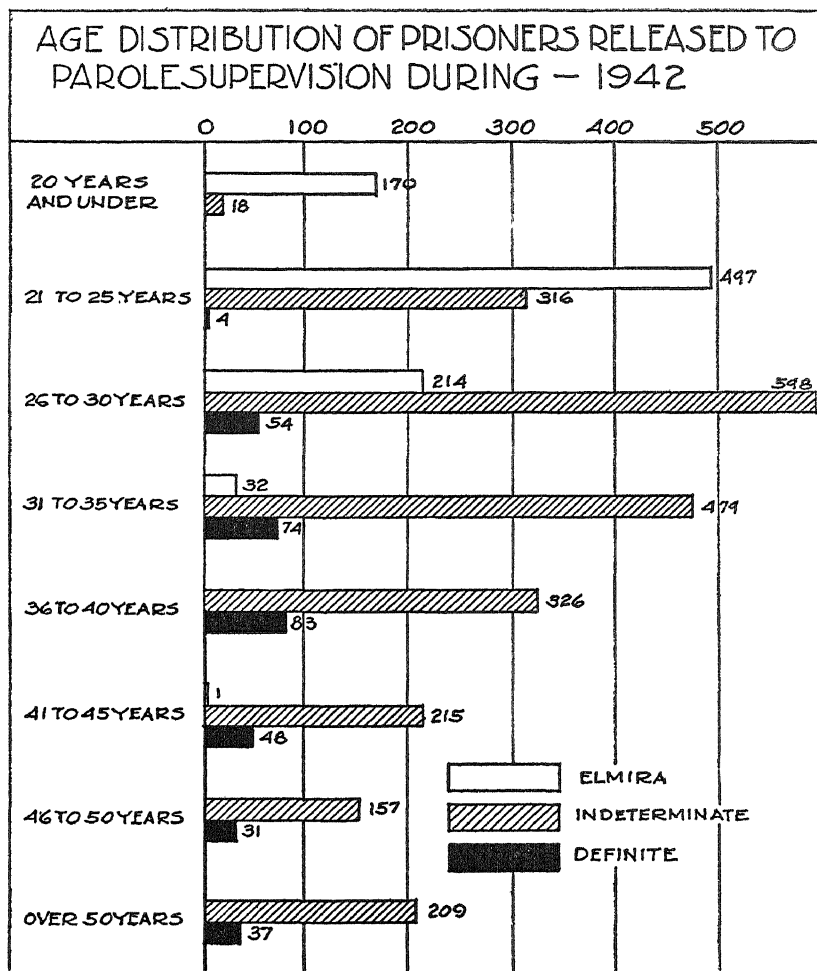
Commitments to prison are not restricted by any maximum age limitation but criminals committed to these institutions must be at least sixteen years of age.

The age distribution of indeterminate sentence prisoners released on parole shows that at the time of their parole 188, or 5.8 per cent, were twenty years of age or under. The largest age groups were 21 to 25 years, and 26 to 30 years, each having 25.1 per cent of the 3,232 cases.

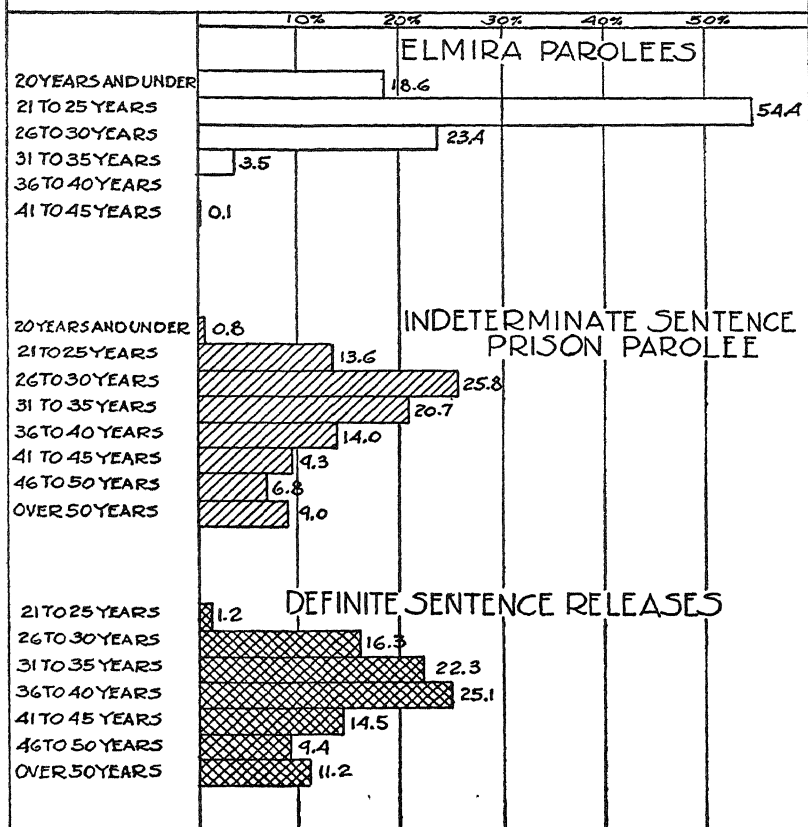
A total of 1,813, or 56.0 per cent, were 30 years of age or under, while 1,419, or 44.0 per cent, were 31 years of age or older.

AGE DISTRIBUTION OF THE INDETERMINATE SENTENCE PRISONERS RELEASED DURING 1942

	Elmira		Prisons		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
20 years and under.....	170	18.6	18	0.8	188	5.8
From 21 to 25 years.....	497	54.4	316	13.6	813	25.1
From 26 to 30 years.....	214	23.4	598	25.8	812	25.1
From 31 to 35 years.....	32	3.5	479	20.7	511	15.8
From 36 to 40 years.....			326	14.0	326	10.1
From 41 to 45 years.....	1	0.1	215	9.3	216	6.7
From 46 to 50 years.....			157	6.8	157	4.9
51 years and over.....			209	9.0	209	6.5
TOTAL.....	914	100.0	2,318	100.0	3,232	100.0



AGE DISTRIBUTION OF PRISONERS RELEASED TO PAROLE SUPERVISION DURING 1942



Median Ages of Indeterminate Sentence Prisoners Paroled from 1931 to 1942

The median ages of indeterminate sentence prisoners paroled from the Elmira Reformatory and the State prisons (including one case released from the Herkimer County Jail) from 1931 through 1942, are given in the following table:

MEDIAN AGE OF INDETERMINATE SENTENCE PRISONERS PAROLED FROM 1931 TO 1942

	Elmira	Prisons
1931.	21 years, 6 months	31 years
1932.	20 years, 6 months	30 years
1933.	20 years	30 years
1934.	21 years, 1 month	30 years
1935.	22 years, 3 months	30 years
1936.	22 years, 8 months	31 years, 3 months
1937.	23 years	31 years, 1 month
1938.	23 years	32 years, 4 months
1939.	22 years	31 years
1940.	22 years	32 years
1941.	23 years	32 years
1942.	23 years	33 years

Education of the 3,232 Indeterminate Sentence Prisoners Paroled During 1942

According to their own statements, 540, or 16.7 per cent, of the 3,232 indeterminate sentence prisoners released to parole supervision did not reach the sixth grade in school. A total of 2,230, or 69.0 per cent, had had no more than some elementary school training, 876, or 27.1 per cent, of these having attained the eighth grade. Only 57, or 1.8 per cent, had completed high school, while 18, or 0.6 per cent, had completed college or professional school.

EDUCATION OF THE 3,232 INDETERMINATE SENTENCE PRISONERS PAROLED DURING 1942

GRADE ATTAINED	Elmira		Prisons		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Never attended school.	3	0.3	56	2.4	59	1.8
Under fourth grade.	19	2.1	136	5.9	155	4.8
Fourth grade.	14	1.5	145	6.3	159	4.9
Fifth grade.	32	3.5	135	5.8	167	5.2
Sixth grade.	78	8.6	223	9.6	301	9.3
Seventh grade.	135	14.8	378	16.3	513	15.9
Eighth grade.	258	28.2	618	26.7	876	27.1
Part high school.	355	38.9	483	20.8	838	25.9
Completed high school.	14	1.5	43	1.9	57	1.8
Part college.	4	0.4	52	2.2	56	1.7
Completed college or professional school. ....	...	...	18	0.8	18	0.6
Not given.	2	0.2	31	1.3	33	1.0
TOTAL.	914	100.0	2,318	100.0	3,232	100.0

Age at Leaving School of the 3,232 Indeterminate Sentence Prisoners Paroled During 1942

According to their own statements, 59, or 1.8 per cent, of the 3,232 indeterminate sentence prisoners paroled during the year never attended school. Eight hundred fifty-seven, or 26.5 per cent, while they attended school, terminated their educational careers in their fourteenth year or earlier. Altogether, 2,499, or 77.3 per cent, either had no schooling or terminated their education by their sixteenth year or earlier. Only 690, or 21.4 per cent, remained in school after their sixteenth year.

AGE AT LEAVING SCHOOL OF THE 3,232 INDETERMINATE SENTENCE PRISONERS PAROLED DURING 1942

AGE AT LEAVING SCHOOL	Elmira		Prisons		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Never attended school	3	0.3	56	2.4	59	1.8
Under twelve years of age	10	1.1	83	3.6	93	2.9
Twelve years of age	12	1.3	102	4.4	114	3.5
Thirteen years of age	19	2.1	122	5.3	141	4.4
Fourteen years of age	88	9.6	421	18.2	509	15.7
Fifteen years of age	173	18.9	550	23.7	723	22.4
Sixteen years of age	340	37.2	520	22.4	860	26.6
Seventeen years of age	207	22.7	241	10.4	448	13.9
Eighteen years of age	38	4.2	88	3.8	126	3.9
Over eighteen years of age	21	2.3	95	4.1	116	3.6
Not given	3	0.3	40	1.7	43	1.3
TOTAL	914	100.0	2,318	100.0	3,232	100.0

Number of Indeterminate Sentence Prisoners Whose Homes Were Broken Before Their Sixteenth Birthday

The homes of 1,640, or 50.7 per cent, of the 3,232 indeterminate sentence prisoners released for supervision during 1942 were broken before these individuals had reached their sixteenth birthday. In 1,048, or 63.9 per cent, of the 1,640 cases, death was responsible for the broken homes, while in 75, or 4.6 per cent, of the cases, the homes were broken by divorce. In 292, or 17.8 per cent, the homes were broken because of separation of the parents, and in 102, or 6.2 per cent, because of desertion of a parent. Eighty-nine, or 5.4 per cent, of the cases had broken homes by virtue of the illegitimacy of the individual's birth. Twenty, or 1.2 per cent, did not know who their parents were, while in 14, or 0.9 per cent, of the cases information is not available.

REASONS FOR BROKEN HOMES AMONG THE 1,640 INDETERMINATE SENTENCE PRISONERS RELEASED IN 1942 WHOSE HOMES WERE BROKEN BEFORE THEIR SIXTEENTH BIRTHDAY

REASONS	Elmira		Prisons		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Death	269	53.2	779	68.7	1,048	63.9
Divorce	31	6.1	44	3.9	75	4.6
Separation	116	22.9	176	15.5	292	17.8
Desertion	47	9.3	55	4.9	102	6.2
Illegitimacy	39	7.7	50	4.4	89	5.4
Parentage unknown	3	0.6	17	1.5	20	1.2
Not given	1	0.2	13	1.1	14	0.9
TOTAL	506	100.0	1,134	100.0	1,640	100.0

Ages of the Indeterminate Sentence Prisoners at the Time Their Homes Were Broken

In 781, or 47.6 per cent, of the 1,640 cases, the home was broken before these parolees were six years old. Altogether, 1,378, or 84.0 per cent, were twelve years of age or under when their homes were broken. Only 200, or 12.2 per cent, were over twelve years of age when the home was broken.

AGES OF THE 1,640 INDETERMINATE SENTENCE PRISONERS AT THE TIME THEIR HOMES WERE BROKEN

AGE	Elmira		Prisons		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Under six years old..	278	54.9	503	44.4	781	47.6
From six to nine years old..	81	16.0	187	16.5	268	16.3
From nine to twelve years old..	63	12.4	173	15.2	236	14.4
Twelve years old.....	28	5.5	65	5.7	93	5.7
Thirteen years old.....	13	2.6	45	4.0	58	3.5
Fourteen years old.....	16	3.2	61	5.4	77	4.7
Fifteen years old.....	15	3.0	50	4.4	65	4.0
Not given.....	12	2.4	50	4.4	62	3.8
TOTAL.....	506	100.0	1,134	100.0	1,640	100.0

Marital Status of the 3,232 Indeterminate Sentence Prisoners Released on Parole

Of the 3,232 indeterminate sentence prisoners paroled during 1942, 1,783, or 55.2 per cent, were single; 453, or 14.0 per cent were married; 575, or 17.8 per cent, were married but separated from their spouses; 100, or 3.1 per cent, were widowed; 166, or 5.1 per cent, were divorced; and 155, or 4.8 per cent, had lived in meretricious relationships.

MARITAL STATUS OF THE 3,232 INDETERMINATE SENTENCE PRISONERS RELEASED ON PAROLE

STATUS	Elmira		Prisons		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Single.....	736	80.5	1,047	45.2	1,783	55.2
Married.....	81	8.9	372	16.1	453	14.0
Separated.....	62	6.8	513	22.1	575	17.8
Widowed.....	15	1.6	100	4.3	100	3.1
Divorced.....	15	1.6	151	6.5	166	5.1
Living in meretricious relationship..	20	2.2	135	5.8	155	4.8
TOTAL.....	914	100.0	2,318	100.0	3,232	100.0

Known Previous Arrests of the 3,232 Indeterminate Sentence Prisoners Paroled During 1942

Only 605, or 18.7 per cent, of the 3,232 prisoners paroled had no known previous arrests. Five hundred seventy-four, or 17.8 per cent, had one known previous arrest; 463, or 14.3 per cent, had two known previous arrests; 398, or 12.3 per cent, had three known previous arrests; and 1,189, or 36.7 per cent, had more than three known arrests.

KNOWN PREVIOUS ARRESTS OF THE 3,232 INDETERMINATE SENTENCE PRISONERS PAROLED DURING 1942

KNOWN ARRESTS	Elmura		Prisons		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
No known previous arrests	185	20.2	420	18.1	605	18.7
One known previous arrest	210	23.0	364	15.7	574	17.8
Two known previous arrests	155	17.0	308	13.3	463	14.3
Three known previous arrests	127	13.9	271	11.7	398	12.3
Four known previous arrests	104	11.4	241	10.4	345	10.7
Five known previous arrests	50	5.5	201	8.7	251	7.8
Six known previous arrests	37	4.0	154	6.6	191	5.9
Seven known previous arrests	12	1.3	98	4.2	110	3.4
Eight known previous arrests	11	1.2	57	2.5	68	2.1
Nine known previous arrests	9	1.0	49	2.1	58	1.8
Ten known previous arrests	5	0.5	35	1.5	40	1.2
More than ten known previous arrests	9	1.0	117	5.1	126	3.9
Not given		.. ..	3	0.1	3	0.1
TOTAL	914	100.0	2,318	100.0	3,232	100.0

Crimes for Which the 3,232 Indeterminate Sentence Prisoners Released on Parole During 1942 Were Convicted

If it is accepted that crimes of the first degree are the most serious, it should be noted that this year, as in previous years, a comparatively small number of those paroled had been convicted of crimes in the first degree. In fact, only 336, or 10.3 per cent, of the 3,232 prisoners paroled, had been convicted of assault, burglary, robbery, or grand larceny in the first degree.

The condensed table of crimes and the two charts on succeeding pages aid in the interpretation of the distribution of crimes.

The four crimes of assault, burglary, grand larceny and robbery in all degrees and attempts thereat, were responsible for the conviction of 74.8 per cent of the prisoners paroled. Among the 3,232 paroled, convictions of robbery in all degrees and attempts thereat were the most numerous. Eight hundred forty-four, or 26.1 per cent, had been convicted of these crimes.

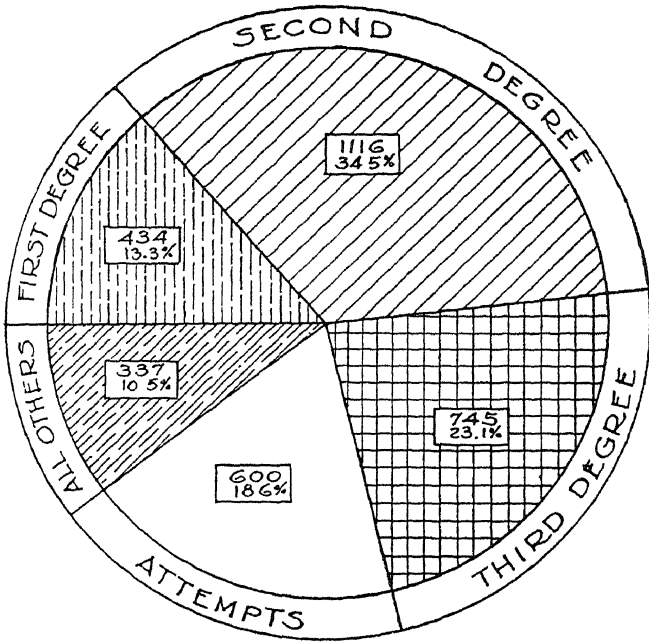
Next in importance is the number convicted of burglary in all degrees and attempted burglary, responsible for the incarceration of 655, or 20.4 per cent, of the paroled prisoners.

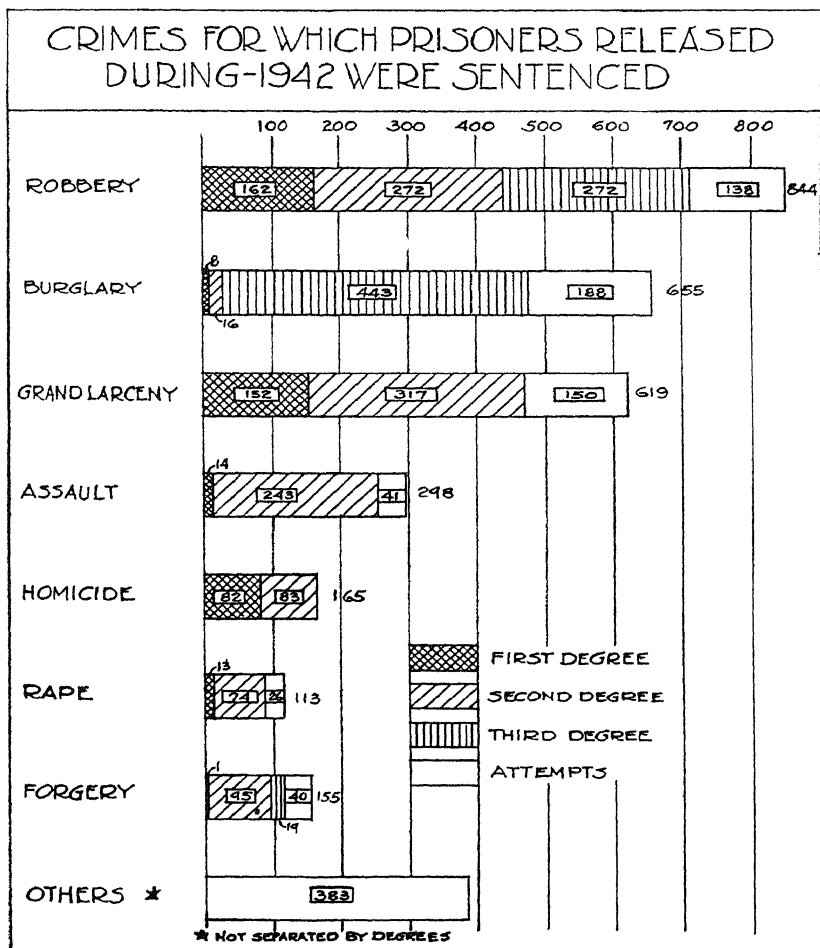
Third in importance is the number convicted of grand larceny in the first and second degrees, and attempted grand larceny. Six hundred nineteen, or 19.1 per cent, had been convicted of these offenses.

Assault in the first and second degree and attempted assault were the crimes of conviction of 298, or 9.2 per cent.

The remaining 816, or 25.2 per cent, had been convicted of a wide distribution of crimes.

DEGREES OF CRIMES FOR WHICH
PRISONERS RELEASED DURING
1942 WERE SENTENCED





A summary table of crimes which resulted in the imprisonment of the indeterminate sentence persons released during the year is given below:

CONDENSED TABLE OF CRIMES OF CONVICTION OF INDETERMINATE SENTENCE PRISONERS PAROLED DURING 1942

CRIMES	Elmira		Prisons		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Assault, first degree.	14	5.3	14	0.6	14	0.4
Assault, second degree	48	5.3	195	8.4	243	7.5
Attempted assault	3	0.3	38	1.6	41	1.3
Burglary, first degree	2	0.2	6	0.3	8	0.2
Burglary, second degree	2	0.2	14	0.6	16	0.7
Burglary, third degree	225	24.6	218	9.4	443	13.7
Attempted burglary	37	6.2	131	5.7	188	5.8
Grand larceny, first degree	50	5.5	102	4.4	152	4.7
Grand larceny, second degree	89	9.8	228	9.8	317	9.8
Attempted grand larceny	21	2.3	129	5.6	150	4.6
Robbery, first degree....	53	5.8	109	4.7	162	5.0
Robbery, second degree...	77	8.4	195	8.4	272	8.4
Robbery, third degree...	111	12.1	161	7.0	272	8.4
Attempted robbery	50	5.5	88	3.8	138	4.3
Others	126	13.8	690	29.7	816	25.2
TOTAL	914	100.0	2,318	100.0	3,232	100.0

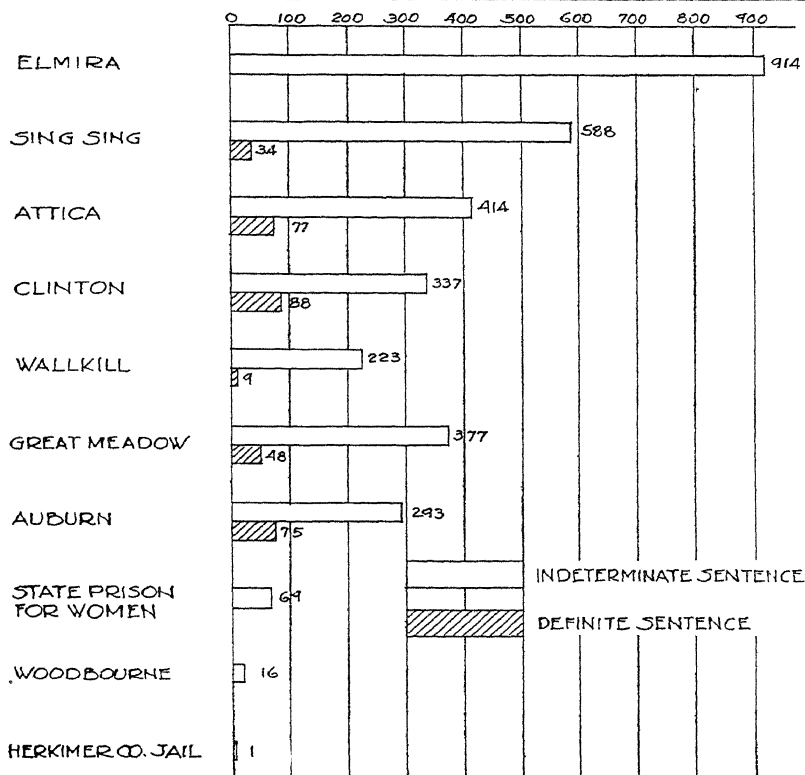
Institutions From Which the 3,232 Indeterminate Sentence Prisoners Were Paroled During 1942

As in previous years, the largest number of prisoners, 914, or 28.3 per cent, were paroled from the Elmira Reformatory; 588, or 18.2 per cent, were paroled from Sing Sing; 414, or 12.8 per cent, were paroled from Attica. From Great Meadow, 377, or 11.7 per cent, were paroled; 337, or 10.4 per cent, were paroled from Clinton; 293, or 9.1 per cent, from Auburn; 223, or 6.9 per cent, from Wallkill; 69, or 2.1 per cent, from the State Prison for Women; 16, or 0.5 per cent, from Woodbourne; and 1, or less than one-tenth of one per cent, from Herkimer County Jail, over which the Board of Parole has no paroling jurisdiction. This last case was released by Governor's commutation of sentence on condition the releasee be under supervision of the Board of Parole for the unexpired balance of his sentence.

Length of Institutional Treatment of Indeterminate Sentence Prisoners Paroled During 1942

A sentence to Elmira Reformatory is without any specified minimum, but with a maximum that is prescribed by the Penal Law as the maximum for the particular crime of which the individual is convicted. The minimum of the sentence is established by the Classification Board of the Elmira Reformatory, and the Board of Parole may, in its discretion, release the individual at any time between the termination of such minimum sentence and the maximum term. A judge, in sentencing to Elmira, presumably bears in mind it is a reformatory, intended for the most hopeful younger

PRISONERS RELEASED DURING - 1942 BY INSTITUTIONS



offenders; and that from its inception, the Elmira Reformatory was intended to keep such offenders for a relatively shorter period of time than they would be required to serve had they been sentenced to a State prison.

Four hundred thirty, or 47.0 per cent, of the 914 Elmira parolees had been incarcerated for less than two years before their release from the reformatory. In contrast, 552, or 23.8 per cent, of the 2,318 indeterminate sentence parolees released from prisons (including one person released from the Herkimer County Jail) had served less than two years of their terms.

Of the total, 3,232 indeterminate sentence prisoners paroled from the Elmira Reformatory and the prisons (including one person released from the Herkimer County Jail), 982, or 30.3 per cent, had been in the institutions for less than two years; 520, or 16.1 per cent, had been incarcerated two years or more but less than three years; 590, or 18.3 per cent, had been in the institutions from three years to less than four; while 397, or 12.3 per cent, had remained in the institutions for a period of from four years to less than five.

A total of 2,489, or 77.0 per cent, had been in the institutions for less than five years. Seven hundred forty-three, or 23.0 per cent, had been incarcerated for a period of five years or longer.

The median length of time that the 914 Elmira parolees were incarcerated before their release on parole was 25 months.

The median period of incarceration for indeterminate sentence prisoners released from the State prisons (and, in one case, the Herkimer County Jail) was 41 months.

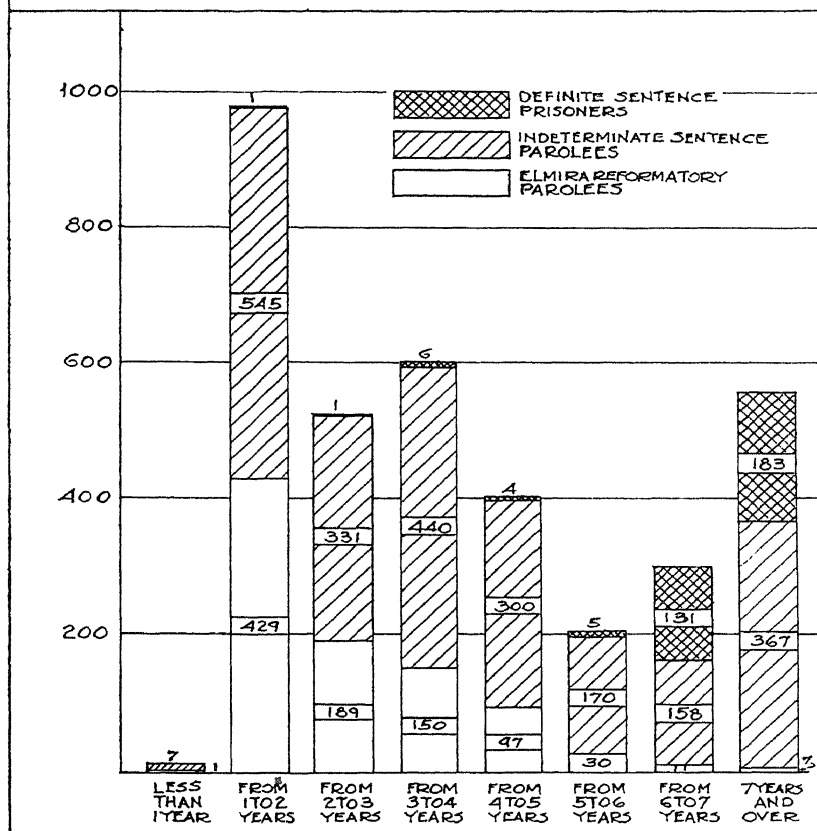
MEDIAN PERIODS OF INCARCERATION FOR INDETERMINATE SENTENCE PRISONERS PAROLED FROM 1932 TO 1942

YEAR OF RELEASE	Elmira parolees	Prison parolees
1932....	16 months	25 months
1933	16 months	21½ months
1934	18 months	25¼ months
1935	20 months	25¼ months
1936	21 months	31 months
1937	21 months	33½ months
1938....	21 months	31¼ months
1939.	21 months	36 months
1940.. . . .	20 months	36 months
1941	22 months	40 months
1942	25 months	41 months

Duration of Period of Parole for the 3,232 Indeterminate Sentence Prisoners Released During 1942

The parole period of prisoners released to parole supervision cannot be terminated before the expiration of the maximum sentence of each prisoner, except in the cases of Elmira parolees. This provision is laid down by the Correction Law in prohibiting the granting of absolute or conditional discharges from parole to State prison parolees at a date prior to the expiration of the maximum term,

LENGTH OF PERIOD SPENT IN INSTITUTION PRIOR TO RELEASE TO PAROLE SUPERVISION OF PERSONS RELEASED DURING - 1942



The period during which a prisoner is to remain under the jurisdiction of the Division of Parole is the difference between the actual time served in the institution and the maximum term. These maximum terms differ considerably in the case of persons committed to the Elmira Reformatory as compared with those sentenced to State prisons. The maximum sentence in Elmira cases must be the maximum provided by the Penal Law for the particular crime committed. The court in imposing sentence on Elmira cases cannot deviate from or modify this provision of law. In imposing sentence on individuals to be incarcerated in State prisons, however, the maximum term may be fixed for any period not to exceed the maximum prescribed by law for the particular crime.

Because of this difference in the provisions of the law, there are wide variations in the maximum terms of Elmira parolees and those prisoners released on parole from the prisons of the State, the former usually being much longer than the latter. Consequently, there are great differences between these two types of prisoners in regard to the duration of the parole period. A contributing factor in creating this difference is the fact, as brought out previously, that the actual period of imprisonment for Elmira parolees was 16 months less than for those released from the prisons.

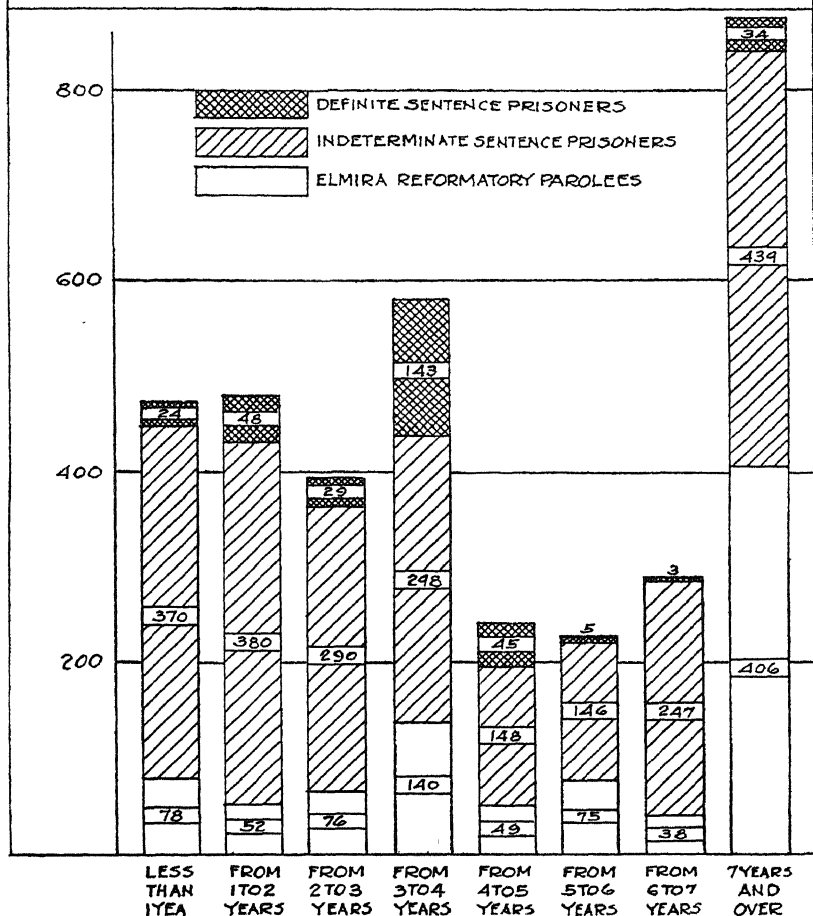
For purposes of comparison, there are given below the median periods of parole supervision of persons released during the past ten years.

MEDIAN PERIODS OF PAROLE SUPERVISION FOR INDETERMINATE SENTENCE PRISONERS PAROLED FROM 1932 TO 1942

YEAR OF RELEASE	Elmira parolees	Prison parolees
1932	48 months	38½ months
1933	85 months	41 months
1934	85 months	44¾ months
1935	51 months	39 months
1936	62 months	40 months
1937	84 months	42½ months
1938	96 months	39 months
1939	94 months	39 months
1940	90 months	38 months
1941	72 months	40 months
1942	69½ months	39 months

Of the 3,232 indeterminate sentence prisoners released from Elmira Reformatory and the prisons (and one from Herkimer County Jail), 448, or 13.8 per cent, were to be under parole supervision for less than one year; 432, or 13.4 per cent, for from one year to less than two years; 366, or 11.3 per cent, for from two years to, but not including three years; 438, or 13.6 per cent, for from three years to less than four; and 197, or 6.1 per cent, for a period of from four years up to but not including five years. A total of 1,351, or 41.8 per cent, were to be under supervision for five years or longer.

DURATION OF PERIOD OF SUPERVISION OF THE PERSONS RELEASED TO PAROLE SUPERVISION DURING- 1942



PAROLEES DECLARED DELINQUENT IN 1942

Individuals released on parole are not free but, until the expiration of their maximum sentences, they are still prisoners in the custody of the warden of the institution from which they are released. They may be returned to the institution for any violation of the conditions of their parole. The Correction Law provides that the Board of Parole shall, in releasing a prisoner on parole, specify in writing the conditions of parole, and a copy of such conditions must be given to the parolee. Any violation of these conditions makes the prisoner liable to reimprisonment. The Board, the law further provides, shall adopt general rules with regard to conditions of parole and their violation, and may make special rules to govern particular cases. All indeterminate sentence prisoners, as well as definite or commuted sentence prisoners, agree in writing to accept the conditions of parole, and are given the following general rules:

In accepting parole you promised the Board of Parole to faithfully observe the following conditions of your parole. These conditions are in effect until the expiration of your maximum sentence. A violation of these or any other conditions imposed by the Board of Parole may result in your return to the institution.

These conditions are as follows:

1. Upon your release, proceed directly to the place to which you have been paroled and within twenty-four hours, make your arrival report to your parole officer. When you make your arrival report, you must have in your possession the money you received at the time of your release, except necessary expenditures of funds for travel, food and shelter.
2. Do not leave the State of New York or the community to which you have been paroled without the written permission of your parole officer.
3. You must carry out the instructions of your parole officer, reporting as he directs, and permitting him to visit you at your residence and place of employment. Do not change your residence or employment without first securing the permission of your parole officer. If, for any reason, you lose your position, immediately report this fact to your parole officer. Every effort must be made by you to secure gainful employment and you must cooperate with your parole officer in his efforts to obtain employment for you.
4. You must conduct yourself as a good citizen. This means that you must not associate with evil companions or any individuals having a criminal record; that you must avoid questionable resorts, abstain from wrong doing, lead an honest, upright and industrious life, supporting your dependents, if any, and assuming towards them all your moral and legal obligations. Your behavior must not be a menace to the safety of your family or to any individual or group of individuals.
5. You must not indulge in the use or the sale of narcotics in any form and you must abstain from the use of intoxicating liquors.
6. You must not marry without consulting with and obtaining the written permission of your parole officer, nor can you live with any woman, not your lawful wife.
7. You must surrender to your parole officer immediately after release any motor vehicle license which you had in your possession at the time of your conviction and sentence. You may not make application for a motor vehicle license at any time or for any license which would permit you to carry firearms of any nature without the permission of your parole officer. If, while on

parole, you carry firearms of any nature or drive a motor vehicle, without a valid license, it will be considered a violation of parole.

8. You must not correspond with inmates of the State prisons or the Elmira Reformatory without the written permission of your parole officer. You must not carry from the institution from which you are released or send to any penal institution, whether in New York State or elsewhere, any written or verbal message, or any object or property of any kind whatsoever, unless you have obtained specific permission to do so from the Warden, Superintendent or other duly authorized officers of both the institution from which you are released and the institution to which the message, object or other property is to be delivered.

9. You must reply promptly to any communication from a member of the Board of Parole, a parole officer, or an authorized representative of the Board of Parole.

10. You understand that any reports, either verbal or written, made to or submitted by you to a parole officer, which are subsequently found to be false, will be rejected by the Board of Parole and will not be used in crediting parole time served, and in addition, may be considered a violation of parole.

11. During the period which you are on parole should you commit a felony, either in New York or in any other State, you understand that in addition to serving the sentence pronounced upon you for this offense, you will be compelled to serve in a State penal institution, the portion remaining of the maximum term of the sentence on which you were released on parole, from the time of such release on parole to the expiration of such maximum.

12. If you should be arrested in another State during the period of your parole, you agree to waive extradition and not resist being returned by the Board of Parole to the State of New York.

13. You must not register as a voter and you must not vote in any primary, special or general election as you understand that your right of franchise was revoked if you were sentenced to a State prison.

14. You must report to your parole officer each and every time you are arrested or questioned by officers of any law enforcement agency and you must give all of the facts and circumstances which brought the arrest or questioning.

Every effort is made to keep informed of the activities of paroled prisoners. If a parole officer having charge of a paroled prisoner or any member of the Board of Parole has reasonable cause to believe that a parolee has lapsed, or is about to lapse into criminal ways or company, or has violated the conditions of his parole, the parole officer supervising the parolee must submit a report to a member of the Board of Parole. A warrant is issued for the arrest of the parolee and sent to the proper police officials. At the next meeting of the Board, the parolee is declared delinquent.

The supervising parole officer is charged with the responsibility of keeping informed regarding the activities of all parolees under his supervision, and for establishing cooperation with, and utilizing the services of, the police and other law enforcing agencies.

In New York State a further check on the conduct of parolees is provided by section 552-A of the Code of Criminal Procedure, which specifies that no person charged with a felony or with certain misdemeanors can be admitted to bail until his fingerprints are taken, as a means of ascertaining whether or not the individual has been previously convicted of another crime. The fingerprints are sent to the Division of Criminal Identification of the State Department of Correction which has a record of all individuals who had been or are confined in the institutions of the State, and a

record of all men who have been released on parole. Through the cooperation of the Department of Correction, the Board of Parole is officially notified regarding the arrests of parolees in New York or in other parts of the United States.

A still further check is provided through the United States Bureau of Criminal Identification in Washington, D. C. It is now accepted procedure for state bureaus of criminal identification to cooperate with this Federal Bureau by sending to it the fingerprints of individuals convicted of crimes. In turn, the Federal Bureau keeps the various state divisions or bureaus of criminal identification informed of the arrests of individuals released from the institutions of a particular state, who are apprehended in another part of the United States.

In the efforts to apprehend parole violators who are listed as absconders a very close working arrangement has been effected with the Bureau of Criminal Identification of the State Department of Correction. This Bureau is regularly supplied with lists of absconders and a wanted notice is placed in their files for each of the parole violators whose names appear on the list. The State Bureau then forwards a duplicate of this list to the Federal Bureau of Criminal Identification in Washington, where similar wanted notices are entered on their records.

The subsequent arrest or detention of the delinquent parolee in any jurisdiction which reports either to the New York State or the Federal Bureaus of Identification is then communicated to the Division of Parole.

In addition to this activity of the central office of the Division of Parole, each of the district offices makes continuous efforts to locate delinquents who have absconded. The case record and the institutional files are carefully checked for any clues in the search for the absconder. Relatives, friends, employers, and even credit agencies, are interviewed as to their knowledge of the whereabouts of the delinquent. Pictures and other identifying information are sent to law enforcing agencies in all cities in which there is even a slight suspicion that the parole violator may be located.

It is accepted by all parole officers that specific and definite efforts must be made to locate parolees who have been declared delinquent for any reasons.

Indeterminate Sentence Prisoners Declared Delinquent During 1942

The grand total of all indeterminate sentence parolees under the jurisdiction of the Board of Parole for all or part of the calendar year of 1942 was 11,763. Deducting from this figure the 596 prisoners who were serving new or additional sentences in the institutions under the paroling jurisdiction of the Board of Parole, while serving parole time on other, or previous sentences, there were 11,167 under supervision, 4,139 Elmira parolees, and 7,028 paroled from the prisons of the State.

During the year there were 772 declarations of delinquency, or 7.0 per cent, of the 11,167 indeterminate sentence parolees under supervision.

Separating the Elmira parolees from the prison parolees declared delinquent, there were 300 declarations of delinquency among Elmira parolees, or 8.0 per cent, of the 4,139 Elmira parolees under supervision all or part of the time. Of the 7,028 prison parolees under supervision during all or part of the year, 472, or 6.7 per cent, were declared delinquent.

Declarations of delinquency this year cannot be compared with those of previous years, because of the unusual circumstances which prevailed in 1942. In the first place, the very much improved industrial situation led to the release of many more individuals than heretofore, including a considerable number of individuals held in previous years for employment. Thus the rise in total case load may have affected the delinquency ratio in that more persons, perhaps different types of persons, were exposed to crime and other parole violation than heretofore. Even per capita rates may have been so affected because of the release of some individuals who had previously been held for employment and who in addition were unattached and without the counsel and support of families. On the other hand, this was undoubtedly compensated for by the large number of men in the armed forces, and thus no longer exposed to crime and other parole violations, theoretically,—or at least under very strict discipline and supervision. Since the majority of such men would be in the younger age brackets, and since it is well established that crime at least is incommensurately contributed to by the younger men, it is reasonable to assume that on this basis delinquencies for 1942 should decline on the part of men in the armed forces.

Year of Release on Parole

The indeterminate sentence parolees declared delinquent during the year were originally paroled during the period from 1931 to 1942, and in three instances, prior to July 1, 1930, the date the present Division of Parole was established.

INDETERMINATE SENTENCE PRISONERS DECLARED DELINQUENT DURING 1942—REASONS FOR DECLARATION AND YEAR OF RELEASE ON PAROLE

REASON FOR DECLARATION OF DELINQUENCY	Before July 1, 1930	July 1, 1930 to Dec. 31, 1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	Total	Per cent
Absconder, whereabouts unknown	2	...	1	1	2	3	3	7	2	8	6	41	62	102	240	31.1
Failure to comply with other parole conditions . . .	1	...	1	2	3	5	6	4	10	8	19	43	85	70	257	33.3
Arrested . . .	...	...	...	2	4	2	2	4	7	11	20	54	118	51	275	35.6
TOTAL	3	...	2	5	9	10	11	15	19	27	45	138	265	223	772	100.0

Reasons for Declaration of Delinquency

In addition to indicating the year of parole of those declared delinquent during 1942, the above table shows the reasons for which delinquencies were declared. The arrests of parolees, regardless

of the dispositions of the cases against them, were the reasons for establishing delinquency in the cases of 275, or 35.6 per cent, of the 772 parole violators. Absconding resulted in the establishment of delinquency in 240, or 31.1 per cent; and 257, or 33.3 per cent, violated one or more of the specific conditions of their parole.

Districts Responsible for the Supervision of the Parolees Declared Delinquent

The following table, based on the districts supervising the parolees at the time delinquencies were established, also shows the geographical distribution of the residences of the parolees declared delinquent. For purposes of administration the State has been divided into three districts, with the central office supervising Out-of-State, Deportation, Repatriation and Warrant cases.

The distribution of the 772 parolees declared delinquent shows that 75, or 9.7 per cent, were under the supervision of the Albany District Office; 206, or 26.7 per cent, of the Buffalo District; 399, or 51.7 per cent, of the New York District; 87, or 11.3 per cent were assigned to the Out-of-State Bureau, and 5, or 0.6 per cent, were Deportation, Warrant and Repatriation cases.

The ratio of delinquencies, by district, follows generally the ratio of total case load in that district.

PAROLEES DECLARED DELINQUENT DURING 1942 BY REASON OF SUCH DELINQUENCY AND OFFICE SUPERVISING PAROLEE

REASON FOR DECLARATION	DISTRICT SUPERVISING PAROLEE							Total
	Albany	Buffalo	New York	Out of State	Deportation	Warrant	Repatriation	
Absconder, whereabouts unknown . .	33	66	106	35	.	.	.	240
Failure to comply with other parole conditions	19	99	124	12	1	1	1	257
Arrested	23	41	169	40	2	..	..	275
TOTAL	75	206	399	87	3	1	1	772

Institutions From Which Parolees Declared Delinquent Were Released

Commitments to prison are usually made, in the first instance, to the prisons designated by the Commissioner of Correction as receiving institutions. These are Attica, Clinton, Sing Sing and the State Prison for Women. All prisoners, with the exception of female prisoners, may be transferred at the discretion of the Commissioner of Correction to any other prison in the State. Prisoners received in the reception prisons need not be transferred but may complete their period of incarceration in the original institution to which they were sentenced. All the inmates confined in Auburn, Great Meadow and Wallkill Prisons, as well as the normal prisoners confined in the State Institution at Woodbourne, have been transferred to these institutions from the reception institutions.

Because of the transfers made from one prison to another, it is impossible to attempt to evaluate the efficacy of prison*programs

on the basis of the number released from any one particular prison and subsequently declared delinquent.

The same situation, however, does not exist regarding persons paroled from the Elmira Reformatory. While occasionally prisoners confined in Elmira Reformatory are transferred to one of the prisons, only rarely are individuals transferred from the prisons to the reformatory. Generally speaking, therefore, Elmira parolees have begun and completed their period of incarceration in the reformatory.

The number and percentages of the 772 indeterminate sentence prisoners declared delinquent, according to institutions from which they were paroled, are as follows:

NUMBER AND PERCENTAGES OF THE 772 INDETERMINATE SENTENCE PRISONERS DECLARED DELINQUENT—ACCORDING TO INSTITUTION FROM WHICH THEY WERE PAROLED

Attica	119	or	15.4	per cent
Auburn	57	or	7.4	per cent
Clinton	68	or	8.8	per cent
Great Meadow	75	or	9.7	per cent
Sing Sing	100	or	13.0	per cent
State Prison for Women	14	or	1.8	per cent
Wallkill	39	or	5.0	per cent
Elmira	300	or	38.9	per cent

PAROLEES DECLARED DELINQUENT DURING 1942 — BY INSTITUTION FROM WHICH RELEASED ON PAROLE — REASONS FOR SUCH DECLARATION

INDETERMINATE SENTENCE PRISONERS

	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wallkill	Woodbourne	Elmira	Total
Abseonder, whereabouts unknown	46	22	20	25	37	7	8	..	75	240
Failure to comply with other parole conditions	45	14	23	27	35	4	17	....	92	257
Arrested	28	21	25	23	28	3	14	....	133	275
TOTAL.	119	57	68	75	100	14	39	..	300	772

Length of Supervision Period of the 772 Indeterminate Sentence Parolees Declared Delinquent During 1942—Prior to Establishment of Delinquency

The table, *Period of Time Under Supervision Before Parolees were Declared Delinquent*, shows the time elapsed between the date of the prisoner's release on parole from the prisons or the Elmira Reformatory and the date of declaration of delinquency.

Declarations of delinquency were established against 455, or 59.0 per cent, of the 772 violators before the completion of one year of parole, re-emphasizing once more the established fact that the first year on parole is the most critical, deserving of most intensive supervision and treatment.

One hundred eighty-two, or 23.6 per cent, violated their parole during the second year of their release.

From this point on the percentage generally diminishes.

Of the 300 Elmira parolees declared delinquent during 1942, 148, or 49.4 per cent, were declared delinquent prior to the completion of one year on parole. Among 472 prison parolees against whom delinquency was established in the same year, 307, or 65.1 per cent, were declared violators in less than one year from date of release.

It is particularly interesting, too, that 16.7 per cent of the Elmira, and 26.9 per cent of the prison violators, were under supervision less than three months when declared delinquent.

The median period of completed parole, prior to the declaration of delinquency, was one year for the Elmira parolees and for the parolees released from prisons, it was seven months. For prison and Elmira cases combined, it was eight months.

PERIOD OF TIME UNDER SUPERVISION BEFORE PAROLEES WERE DECLARED DELINQUENT

PERIOD UNDER SUPERVISION	Elmira		Prisons		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Less than 3 months.....	50	16.7	127	26.9	177	22.9
3 months, less than 6 months.....	47	15.7	80	17.0	127	16.5
6 months, less than 9 months.....	29	9.7	61	12.9	90	11.7
9 months, less than 1 year.....	22	7.3	39	8.3	61	7.9
1 year, less than 1½ years.....	49	16.3	65	13.8	114	14.8
1½ years, less than 2 years.....	33	11.0	35	7.4	68	8.8
2 years, less than 2½ years.....	26	8.7	24	5.1	50	6.5
2½ years, less than 3 years.....	10	3.3	12	2.5	22	2.8
3 years, less than 4 years.....	19	6.3	8	1.7	27	3.5
4 years, less than 5 years.....	6	2.0	5	1.0	11	1.4
5 years and over.....	9	3.0	16	3.4	25	3.2
TOTAL	300	100.0	472	100.0	772	100.0

Unexpired Parole Period of the Indeterminate Sentence Parolees Declared Delinquent During 1942

The analysis this year, as in other years, of the additional parole time which these prisoners would be under supervision, indicates that a large percentage of delinquents are parolees who would have been under supervision for comparatively long periods of time, 308, or 40.0 per cent, of the 772 declared delinquent, for five years or more.

The median periods of time for which these 772 parolees who were declared delinquent would have been under parole supervision, if they had not been declared violators, was five years, three months for the Elmira parolees, and for those released from the prisons, it was two years, nine months. For the two groups combined it was three years, seven months.

Thirty-one, or 10.3 per cent, of the Elmira parolees, and 93, or 19.5 per cent, of the prison parolees declared delinquent, had less than one year of additional time to be under supervision, if they had not been declared parole violators.

UNEXPIRED PAROLE PERIOD FOR INDETERMINATE SENTENCE PRISONERS DECLARED DELINQUENT DURING 1942

UNEXPIRED PAROLE PERIOD	Elmira		Prisons		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Less than 3 months	4	1.3	6	1.3	10	1.3
3 months, less than 6 months . .	8	2.7	29	6.1	37	4.8
6 months, less than 9 months . .	7	2.3	26	5.5	33	4.3
9 months, less than 1 year . . .	12	4.0	31	6.6	43	5.6
1 year, less than 1½ years . . .	12	4.0	46	9.7	58	7.5
1½ years, less than 2 years . . .	13	4.3	39	8.3	52	6.7
2 years, less than 2½ years . . .	13	4.3	38	8.0	51	6.6
2½ years, less than 3 years . . .	21	7.0	36	7.6	57	7.3
3 years, less than 4 years	33	11.0	31	6.6	64	8.3
4 years, less than 5 years	20	6.7	39	8.3	59	7.6
5 years and over	156	52.0	133	28.2	289	37.6
Life	1	0.4	18	3.8	19	2.4
TOTAL	300	100.0	472	100.0	772	100.0

Indeterminate Sentence Parolees Declared Delinquent During 1942 and Returned to Institutions

Five hundred thirty-one, or 68.8 per cent, of the 772 indeterminate sentence prisoners declared delinquent during the year, were returned to the State penal institutions before December 31, 1942.

The remaining 241, or 31.2 per cent, consisted of 133 parolees whose whereabouts was unknown; 1 violator who had been convicted of a felony and was serving a sentence in an institution not under the jurisdiction of the Board of Parole; and in 99 cases, disposition was pending with local authorities after arrest for new offenses. In 8 cases disposition was pending with the Board of Parole at the end of the year.

Reasons for the Return of the 531 Parole Violators to Prisons or the Elmira Reformatory

The largest group of violators returned in 1942 were so returned because of general violation of parole. There were 245 such cases. Two hundred ten were returned after having been arrested on new charges, and of these, 53 were dismissed in court, 3 cases were still pending in court, while 78 had been convicted of misdemeanors and 76 of new felonies.

Seventy-six were returned after they had absconded and been apprehended.

Status at the Close of the Year of the 772 Indeterminate Sentence Parolees Declared Delinquent During 1942

The following table shows the status at the close of the year of the 772 parolees who were declared delinquent during the year, the reasons for the declaration of delinquency, the developments after the original declaration, and the district office charged with the supervision of these cases.

STATUS AT THE CLOSE OF THE YEAR OF THE 772 INDETERMINATE SENTENCE PRISONERS DECLARED DELINQUENT DURING 1942

	DISTRICTS					Total
	Albany	Buffalo	New York	Out of State	Other	
<i>Declared delinquent for general violation of parole</i>						
Returned to institution for such violation	17	94	119	9	3	242
Returned after completing term imposed for conviction of a misdemeanor .	.	2	1			3
Returned after receiving suspended sentence for conviction of a misdemeanor		1	1			2
Returned after completing term imposed for conviction of a felony	1					1
Returned because of arrest in which the charge was dismissed . .			1			1
Returned for absconding.			1			1
Disposition pending	1	2	1	3		7
	<u>19</u>	<u>99</u>	<u>124</u>	<u>12</u>	<u>3</u>	<u>257</u>
<i>Declared delinquent because of absconding</i>						
Returned to institution as absconder	12	30	24	9		75
Returned after completing term imposed for conviction of a misdemeanor	2	2	6	1		11
Returned with new sentence for a felony conviction		3	4			7
Returned for general violation	1	1	1			3
Returned after receiving a suspended sentence for conviction of a misdemeanor . .		1	1			2
Returned because of arrest in which the charge was dismissed . .	1	3	4			8
Apprehended — disposition pending	17	26	66	24		133
Pending — not apprehended						1
	<u>33</u>	<u>66</u>	<u>106</u>	<u>35</u>		<u>240</u>
<i>Declared delinquent because of arrest</i>						
Returned after charge was dismissed	1	9	29	5		44
Returned after receiving a suspended sentence for conviction of a misdemeanor .	2	5	10		1	18
Returned after receiving a suspended sentence for conviction of a felony . .		3	1			4
Returned after sentence was deferred following conviction of a misdemeanor . .			2			2
Returned after completing term imposed for conviction of a misdemeanor . .	10	8	17	5		40
Returned as violator — disposition of arrest pending . .		1	1	1		3
Returned with new sentence for a felony conviction.	2	5	54	3		64
Serving sentence in another institution after conviction of a felony . . .				1		1
Pending — arrest not disposed of . .	8	10	55	25	1	99
	<u>23</u>	<u>41</u>	<u>169</u>	<u>40</u>	<u>2</u>	<u>275</u>
GRAND TOTAL	<u>75</u>	<u>206</u>	<u>399</u>	<u>87</u>	<u>5</u>	<u>772</u>

Total Number of Parole Violators With Indeterminate Sentences Returned to Institutions During 1942

There are inevitable delays in executing the return of a prisoner. These delays are mainly due to two causes: 1. The delinquent parolee may be an absconder and obviously cannot be returned until he is apprehended. 2. The delinquent parolee may be incarcerated in some other institution where he is serving a sentence for another crime, either in New York State or another state. Warrants are lodged against these individuals, if in New York State, in the local jail or penitentiary in which the parole violator is incarcerated, or the warrant is sent to the institution in which the parole violator is incarcerated in another state. The lodging of the parole

violation warrant notifies the authorities at the institution that the parole violator is wanted by the Division of Parole and will be taken into custody by the Division when he is released.

During the year 1942, 189 parole violators, declared delinquent prior to 1942, were returned to correctional institutions. These, plus the 531 declared delinquent during 1942, make a total of 720 indeterminate sentence prisoners returned to institutions for parole violations during 1942.

YEAR OF DECLARATION OF DELINQUENCY OF THE INDETERMINATE SENTENCE PRISONERS RETURNED TO INSTITUTIONS DURING 1942

YEAR OF DECLARATION OF DELINQUENCY	Elmira	State Prisons	Total
Before July 1, 1930		1	1
July 1, 1930 to December 31, 1930		1	1
1931.		1	1
1932	1		1
1933		2	2
1934	2	3	5
1935		5	5
1936.	2	6	8
1937	2	3	5
1938	3	4	7
1939	4	5	9
1940	13	19	32
1941	50	62	112
1942	224	307	531
TOTAL	301	419	720

Separating these returns into general classes, by reasons for return, 353, or 49.0 per cent, of the 720 violators, were returned for general violation of parole or absconding, while 367, or 51.0 per cent, were returned because of arrests.

PAROLE VIOLATORS WITH INDETERMINATE SENTENCES RETURNED TO INSTITUTIONS DURING 1942 EITHER ON ORIGINAL SENTENCE OR WITH NEW SENTENCE

REASON FOR RETURN	Elmira Reformatory parolees	State Prison parolees	Total
General violation of supervision agreement.	86	164	250
Absconded	34	69	103
Arrested:			
convicted of felony, new sentence	59	45	104
convicted of felony and completed sentence in another institution	22	25	47
convicted of felony and sentence suspended.	6	....	6
convicted of misdemeanor and completed sentence	47	65	112
convicted of misdemeanor and sentence suspended	14	11	25
convicted of misdemeanor and sentence deferred	2	1	3
charge dismissed	30	38	68
case pending	1	1	2
TOTAL.	301	419	720

The total number of indeterminate sentence prisoners returned to institutions during 1942 as parole violators was 720, a decrease of 3 over the figures of the previous year. A study of the reasons for the return of these parolees shows that 250 were returned for general violation of their supervision agreement, 103 for absconding, and 367 for new arrests.

An analysis of the 367 parolees arrested reveals that 157 were convicted of new felonies, 140 of new misdemeanors, and in 68 cases the charges were dismissed, but in spite of this fact, the Board ordered their return to the institution. In 2 cases the charges were pending but the parolees were returned.

It is again emphasized that no significance can be gleaned this year from comparison with previous years. The fact that there was an over-all decrease of 3 in the number of returns as compared to 1941 is insignificant in itself, is not a per capita figure, and is not weighed in the light of increased releases due to industrial conditions, or in the light of the drawing off of younger parolees into the armed forces.

INDETERMINATE SENTENCE PRISONERS DISCHARGED FROM SUPERVISION IN 1942

The total number of indeterminate sentence prisoners removed from supervision due to the expiration of their maximum sentences or because of death was 2,232, of which 1,161 were Elmira parolees and 1,071 had been released from the prisons of the State.

The table below shows the reasons for the termination of parole supervision:

TOTAL NUMBER OF INDETERMINATE SENTENCE PRISONERS DISCHARGED FROM SUPERVISION

REASONS	Elmira	Prisons	Total
Expiration of sentence:			
Active supervision	1,144	873	2,017
Deportation cases	6	55	61
Warrant cases	1	6	7
Repatriation cases	1	9	10
Serving new or additional sentences		91	91
By death:			
Active supervision	9	36	45
Deportation cases		1	1
GRAND TOTAL	<u>1,161</u>	<u>1,071</u>	<u>2,232</u>

Indeterminate Sentence Prisoners Discharged from Supervision by Expiration of Their Maximum Sentences

Excluding the 46 parolees whose supervision periods were terminated by death, and the 91 persons who were serving new or additional sentences, there were 2,095 indeterminate sentence prisoners, 1,152 Elmira cases and 943 from the prisons of the State, who were discharged from parole by expiration of their maximum sentences.

The years of their release on parole and the periods for which they were under supervision are shown in the following two tables:

INDETERMINATE SENTENCE PRISONERS DISCHARGED FROM PAROLE DURING 1942 BY MAXIMUM EXPIRATION OF SENTENCE — BY YEAR OF RELEASE

YEAR OF RELEASE	Elmira		Prisons		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Before July 1, 1930	3	0.3	28	3.0	31	1.5
July 1, 1930 to December 31, 1930	7	0.6	3	0.3	10	0.5
1931	87	7.6	7	0.7	94	4.5
1932	105	9.1	18	1.9	123	5.9
1933	155	13.4	25	2.7	180	8.6
1934	189	16.4	34	3.6	223	10.6
1935	130	11.3	54	5.7	184	8.8
1936	144	12.5	53	5.6	197	9.4
1937	135	11.7	26	2.8	161	7.7
1938	39	3.4	70	7.4	109	5.2
1939	56	4.9	146	15.5	202	9.6
1940	24	2.1	160	17.0	184	8.8
1941	52	4.5	234	24.8	286	13.6
1942	26	2.2	85	9.0	111	5.3
TOTAL	<u>1,152</u>	<u>100.0</u>	<u>943</u>	<u>100.0</u>	<u>2,095</u>	<u>100.0</u>

PERIOD OF SUPERVISION OF THE INDETERMINATE SENTENCE PRISONERS DISCHARGED BY EXPIRATION OF MAXIMUM SENTENCES DURING 1942

PERIOD ON PAROLE	Elmira		Prisons		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Less than 3 months	14	1.2	21	2.2	35	1.7
3 months to less than 6 months	9	0.8	54	5.7	63	3.0
6 months to less than 9 months	16	1.4	67	7.1	83	4.0
9 months to less than 1 year	21	1.8	90	9.5	111	5.3
1 year to less than 1½ years	18	1.6	86	9.1	104	5.0
1½ years to less than 2 years	11	1.0	103	10.9	114	5.4
2 years to less than 2½ years	12	1.1	47	5.0	59	2.8
2½ years to less than 3 years	17	1.5	78	8.3	95	4.6
3 years to less than 4 years	76	6.6	136	14.4	212	10.1
4 years to less than 5 years	8	0.7	26	2.8	34	1.6
5 years to less than 6 years	240	20.8	33	3.5	273	13.0
6 years to less than 7 years	141	12.2	77	8.2	218	10.4
7 years to less than 8 years	144	12.5	29	3.1	173	8.3
8 years to less than 9 years	203	17.6	32	3.4	235	11.2
9 years to less than 10 years	96	8.3	22	2.3	118	5.6
10 years and over	126	10.9	42	4.5	168	8.0
TOTAL	1,152	100.0	943	100.0	2,095	100.0

We see in this table the result, in 1942, of the granting of final discharges to Elmira parolees prior to actual termination of full maximum sentence, in accordance with Section 281 of the Correction Law, as amended in 1941. In 1941, 382 Elmira parolees were discharged by maximum expiration of sentence. In 1942, 1,152 were so discharged.

History of Parole Supervision

Of the 2,095 parolees discharged from supervision by the expiration of their maximum sentence, 1,839, or 87.8 per cent, were never declared delinquent during their parole period; while 256, or 12.2 per cent, had been declared delinquent once or more, as indicated in the following table.

In studying this table the reader may want to know under what conditions reparoles occur. Some individuals are returned for parole violation, and the Board believes that serving the full maximum sentence is not indicated as the constructive disposition. In such cases the violations may be comparatively less serious than in others. The Board, when it believes the inmate has served a sufficient period of time to bring about the hoped for results of this further treatment, and when there has been a favorable change of attitude, may reparole the inmate.

The median period of supervision for the parolees who were discharged by maximum expiration of their sentences was six years, eleven months and sixteen days for the Elmira parolees, and two years, six months and ten days for the indeterminate sentence prison parolees.

HISTORY OF SUPERVISION OF THE 2,095 INDETERMINATE SENTENCE PAROLEES DISCHARGED BY EXPIRATION OF MAXIMUM TERM DURING 1942

	Albany	Buffalo	New York	Out of State	War-rant	Deportation	Reparation	Total	Per cent
Never delinquent	186	329	1,027	221	6	60	10	1,839	87.8
Delinquent once—returned-reparoled	20	35	117	16	1	1	.....	190	9.1
Delinquent twice—returned-reparoled	3	7	10	2	.....	.....	.....	22	1.0
Delinquent three times—returned-reparoled . . . . .	.....	.....	2	.....	.....	.....	.....	2	0.1
Delinquent once—cancelled	1	6	11	16	.....	.....	.....	34	1.6
Delinquent twice—once cancelled—returned-reparoled . . . . .	.....	1	5	2	.....	.....	.....	8	0.4
TOTAL	210	378	1,172	257	7	61	10	2,095	100.0

DEFINITE OR COMMUTED SENTENCE CASES

DEFINITE OR COMMUTED SENTENCE PRISONERS RELEASED BY STATUTORY DIMINUTION OF SENTENCE

Until March, 1936, when all sentences became indeterminate, definite sentences were mandatory for individuals who had previously been convicted of felonies.

A definite sentence is one in which the inmate must serve a fixed term set by the court, less time off, on a basis established by law, of a fixed number of days per month for good conduct and work willingly performed. When the inmate has served this time he must be released. The Parole Board has no jurisdiction over the releasing of such definite sentence inmates. It only assumes jurisdiction of these released prisoners by virtue of their having signed an agreement accepting supervision for that period of time they have gained off their sentences through the operation of the "good time" laws.

While, since March, 1936, all men sentenced to prison are given indeterminate sentences, there still remain in the institutions of the State a steadily decreasing number of inmates who had been sentenced, prior to March, 1936, for definite terms.

Number of Definite or Commuted Sentence Prisoners Under the Supervision of the Division of Parole

On January 1, 1942, there were 668 definite or commuted sentence prisoners under the jurisdiction of the Board of Parole.

During the year a total of 349 definite sentence prisoners were placed under the jurisdiction of the Board.

Thus the total number of definite sentence prisoners under supervision all or part of the year was 1,017.

During the year a total of 291 were removed from supervision.

The number remaining under the jurisdiction of the Board of Parole on December 31, 1942, was 726. Of these, 662 were active supervision cases.

The following table gives the intake and the manner of outgo of definite or commuted sentence prisoners added or deducted during the year:

STATISTICAL SUMMARY OF THE DEFINITE OR COMMUTED SENTENCE PRISONERS UNDER THE JURISDICTION OF THE BOARD OF PAROLE

Number under supervision on January 1, 1942:	Number	Per cent
Active supervision	579	86 7
Deportation cases	39	5 8
Warrant cases	36	5.4
Repatriation cases	3	0.5
Serving new or additional sentences	11	1 6
Total number under supervision on January 1, 1942	668	100.0

DEFINITE OR COMMUTED SENTENCE PRISONERS UNDER THE
JURISDICTION OF THE BOARD OF PAROLE—*Continued*

Released during 1942 to active supervision:	Number	Per cent
On original release	243	79.2
On re-release (first)	54	17.6
On re-release (second)	9	2.9
On re-release (third)	1	0.3
Total released to active supervision	307	100.0
Released during 1942 for deportation:		
On original release	10	90.9
On re-release	1	9.1
Total released for deportation	11	100.0
Released during 1942 to meet warrant:		
On original release	13	
Permitted during 1942 to start serving new or additional sentences	2	
Restored to supervision status through cancellation of delinquency.		
Active supervision	16	....
Total of all persons under jurisdiction for all or part of 1942:		
Active supervision	902	88.7
Deportation cases	50	4.9
Warrant cases	49	4.8
Repatriation cases	3	0.3
Serving new or additional sentences	13	1.3
GRAND TOTAL	1,017	100.0
Discharged during 1942 by expiration of maximum term:		
Active supervision	124	81.1
Deportation cases	13	8.5
Warrant cases	12	7.8
Repatriation cases	2	1.3
Serving new or additional sentences	2	1.3
Total discharged by maximum expiration	153	100.0
Removed during 1942 by declaration of delinquency:		
Active supervision	136	98.6
Warrant cases	2	1.4
Total removed by declaration of delinquency	138	100.0
Grand total discharged or removed from supervision	291	....

DEFINITE OR COMMUTED SENTENCE PRISONERS UNDER THE
JURISDICTION OF THE BOARD OF PAROLE—*Concluded*

Number under jurisdiction on December 31, 1942:*

	Number	Per cent
Active supervision	662	91.2
Deportation cases	28	3.9
Warrant cases	24	3.3
Repatriation cases	1	0.1
Serving new or additional sentences	11	1.5
GRAND TOTAL	<u>726</u>	<u>100.0</u>

* As a result of transfers between different types of cases (active, deportation, warrant and repatriation) adjustments have been made in the number of parolees under each type of supervision on December 31, 1942.

Active supervision received 20 from the other types
 Deportation cases lost 9 to the other types
 Warrant cases lost 11 to the other types

SOCIAL STATISTICS—DEFINITE SENTENCE RELEASES

Excluding prisoners restored to supervision through the cancellation of their delinquency, and those allowed to start serving new or additional sentences, a total of 331 definite sentence prisoners were released in 1942, not by the Board of Parole, but by commutation as provided in the Correction Law, and placed under the jurisdiction of the Board of Parole for the period of time for which their sentences had been reduced through the operation of the commutation or "good time" laws.

Sex

All of the 331 were males.

Color

Two hundred seventy-three, or 82.5 per cent, were white. Fifty-five, or 16.6 per cent, were Negro prisoners, and three, or 0.9 per cent, belonged in other color groups.

Age Distribution of the 331 Definite Sentence Prisoners Released for Supervision During 1942

Definite or commuted sentence prisoners, prior to the commission of the crime for which they were incarcerated, had previously been convicted of at least one felony, and in many cases, had served one or more terms in prison for previous convictions of felonies. It is, therefore, to be expected that in general they would be older than the indeterminate sentence prisoners.

No one of the 331 definite sentence prisoners placed under supervision in 1942 was under twenty-one years of age; only 4, or 1.2 per cent, were in the age group from 21 to 25 years. The largest single age group was that of 36 to 40 years, comprising 83, or 25.1 per cent. Thirty-seven, or 11.2 per cent, were 51 years of age or over.

AGE DISTRIBUTION OF THE 331 DEFINITE SENTENCE PRISONERS RELEASED FOR SUPERVISION DURING 1942

	Number	Per cent
From 21 to 25 years..	4	1.2
From 26 to 30 years....	54	16.3
From 31 to 35 years...	74	22.3
From 36 to 40 years.	83	25.1
From 41 to 45 years.	48	14.5
From 46 to 50 years.	31	9.4
51 years and over	37	11.2
TOTAL.	<u>331</u>	<u>100.0</u>

Education of the 331 Definite Sentence Prisoners Released for Supervision During 1942

The information regarding the academic achievements of prisoners is obtained from them shortly after they are received in the institutions.

A total of 265, or 80.1 per cent, either had had no schooling at all, or had attended some part of elementary school. Of these 4, or 1.2 per cent, never attended school, while 96, or 29.0 per cent, had attained the eighth grade. Sixty, or 18.1 per cent, had had some education above the elementary school level.

EDUCATION OF THE 331 DEFINITE SENTENCE PRISONERS RELEASED FOR SUPERVISION DURING 1942

GRADE ATTAINED	Number	Per cent
Never attended school	4	1.2
Under the fourth grade	13	3.9
Fourth grade	20	6.1
Fifth grade	32	9.7
Sixth grade	36	10.9
Seventh grade	64	19.3
Eighth grade	96	29.0
Part high school	47	14.2
Completed high school	9	2.7
Part college	3	0.9
Completed college	1	0.3
Not given	6	1.8
TOTAL	331	100.0

Age at Leaving School of the 331 Definite Sentence Prisoners Released to Supervision During 1942

According to their own statements, the number of definite sentence prisoners released to supervision during the year who terminated their formal schooling at the age of fourteen or earlier was 132, or 39.8 per cent.

An additional 155, or 46.9 per cent, left school when they were fifteen or sixteen years old. Only 37, or 11.2 per cent, continued in school after their sixteenth birthday.

AGE AT LEAVING SCHOOL OF THE 331 DEFINITE SENTENCE PRISONERS RELEASED TO SUPERVISION DURING 1942

AGE AT LEAVING	Number	Per cent
Never attended school	4	1.2
Under twelve years old	13	3.9
Twelve years old	12	3.6
Thirteen years old	21	6.3
Fourteen years old	82	24.8
Fifteen years old	73	22.1
Sixteen years old	82	24.8
Seventeen years old	20	6.1
Eighteen years old	9	2.7
Over eighteen years old	8	2.4
Not given	7	2.1
TOTAL	331	100.0

Number of Definite Sentence Prisoners Whose Homes Were Broken Before Their Sixteenth Birthday

The number of definite sentence prisoners whose homes were broken before their sixteenth birthday was 159, or 48.0 per cent, of the 331 definite sentence prisoners released for supervision in 1942. Death of a parent was the reason for the broken homes in 115, or 72.3 per cent, of the cases; 7, or 4.4 per cent, were broken by divorce; 16, or 10.1 per cent, by separation; 8, or 5.0 per cent, by desertion; and 6, or 3.8 per cent, by reason of illegitimacy of birth.

REASONS FOR BROKEN HOMES AMONG THE 159 DEFINITE SENTENCE PRISONERS RELEASED DURING 1942 WHOSE HOMES WERE BROKEN BEFORE THEIR SIXTEENTH BIRTHDAY

REASON	Number	Per cent
Death	115	72.3
Divorce	7	4.4
Separation	16	10.1
Desertion	8	5.0
Illegitimacy	6	3.8
Not given	7	4.4
TOTAL	159	100.0

Ages of the 159 Definite Sentence Prisoners at the Time Their Homes Were Broken

It is apparent that the majority of the 159 definite sentence prisoners were quite young at the time their homes were broken, for 84, or 52.9 per cent, had broken homes before they reached the age of nine years. In 30, or 18.9 per cent, the homes were broken when these individuals were between the ages of nine and twelve. In the remaining 38, or 23.8 per cent, the homes were broken between the twelfth and fifteenth birthday.

AGES OF THE 159 DEFINITE SENTENCE PRISONERS AT THE TIME THEIR HOMES WERE BROKEN

AGE	Number	Per cent
Under six years old.....	64	40.3
From six to nine years old ..	20	12.6
From nine to twelve years old .	30	18.9
Twelve years old.....	7	4.4
Thirteen years old.....	12	7.5
Fourteen years old.....	12	7.5
Fifteen years old.....	7	4.4
Not given	7	4.4
TOTAL	159	100.0

Marital Status of the 331 Definite Sentence Prisoners Released to Supervision During 1942

The following table shows the marital status of the 331 definite sentence prisoners at the time of their release for supervision. The largest number, 166, or 50.2 per cent, were single. Twenty-one, or 6.3 per cent, were married; 73, or 22.1 per cent, were married but separated from their spouses; 18, or 5.4 per cent, were widowed; 38, or 11.5 per cent, were divorced; and 15, or 4.5 per cent, had lived in meretricious relationships.

MARITAL STATUS OF THE 331 DEFINITE SENTENCE PRISONERS
RELEASED TO SUPERVISION DURING 1942

STATUS	Number	Per cent
Single	166	50.2
Married	21	6.3
Separated	73	22.1
Widowed	18	5.4
Divorced	38	11.5
Living in meretricious relationship...	15	4.5
Not given .....	..	..
TOTAL.....	331	100.0

Known Previous Arrests of the 331 Definite Sentence Prisoners Released for Supervision During 1942

All definite or commuted sentence prisoners have been convicted of at least one felony, prior to the conviction responsible for their incarceration. In general, the definite sentence prisoner is more mature than the indeterminate sentence prisoner, and his criminal career has extended over a longer period of time. Therefore, it is not surprising that, in general, the definite sentence prisoner has more known previous arrests, in the per capita aggregate, than has the indeterminate sentence individual.

Among the 331 definite sentence prisoners released during 1942, all, of course, had at least one known previous arrest. Of the group, 35, or 10.6 per cent, had only one known prior arrest. Two hundred five, or 62.0 per cent, of the cases, fell within a group having had from one to five arrests.

One hundred twenty-six, or 38.0 per cent, had had six or more arrests.

KNOWN PREVIOUS ARRESTS OF THE 331 DEFINITE SENTENCE PRISONERS RELEASED FOR SUPERVISION DURING 1942

KNOWN ARRESTS	Number	Per cent
One known previous arrest.	35	10.6
Two known previous arrests	44	13.3
Three known previous arrests	53	16.0
Four known previous arrests	44	13.3
Five known previous arrests	29	8.8
Six known previous arrests	30	9.1
Seven known previous arrests	28	8.4
Eight known previous arrests	19	5.7
Nine known previous arrests	10	3.0
Ten known previous arrests	7	2.1
More than ten known previous arrests	32	9.7
TOTAL	331	100.0

Crimes for Which the 331 Definite Sentence Prisoners Released for Supervision During 1942 Were Convicted

Four types of crimes, assault, burglary, grand larceny and robbery, and attempts thereat, without regard to degree, were responsible for the incarceration of 261, or 78.8 per cent, of the 331 definite sentence prisoners released for supervision during the year.

The first of the four types of crime in numerical importance was burglary. One hundred thirteen, or 34.1 per cent, had been convicted of crimes included under this general heading. Robbery was next in importance, and 109, or 33.0 per cent, were convicted of robberies in varying degrees and attempts thereat. For grand larceny in first and second degrees or for attempts, 26, or 7.8 per cent, were convicted, and for assaults, 13, or 3.9 per cent. Seventy, or 21.2 per cent, were convicted of other crimes or attempts.

The total number convicted of these four major crimes in the first degree was 44, or 13.3 per cent. It will be seen that few definite sentence prisoners were convicted of these four major crimes in the first degree.

CONDENSED TABLE OF CRIMES OF CONVICTION OF THE 331 DEFINITE SENTENCE PRISONERS RELEASED TO SUPERVISION DURING 1942

CRIME	Number	Per cent
Assault, first degree	3	0.9
Assault, second degree	9	2.7
Attempted assault, second degree	1	0.3
Burglary, first degree	1	0.3
Burglary, second degree	4	1.2
Burglary, third degree	95	28.7
Attempted burglary, third degree	13	3.9
Grand larceny, first degree	9	2.7
Grand larceny, second degree	15	4.5
Attempted grand larceny, second degree	2	0.6
Robbery, first degree	31	9.4
Robbery, second degree	18	5.4
Robbery, third degree	38	11.5
Attempted robbery	22	6.7
Others	70	21.2
TOTAL	331	100.0

Institutions from Which the 331 Definite Sentence Prisoners Were Released to Supervision During 1942

The largest number of definite sentence prisoners were released to supervision from Clinton Prison, 88, or 26.6 per cent. From Attica Prison, 77, or 23.3 per cent, were released; 75, or 22.6 per cent, from Auburn; 48, or 14.5 per cent, from Great Meadow; 34, or 10.3 per cent, from Sing Sing; and 9, or 2.7 per cent, from Wallkill.

INSTITUTIONS FROM WHICH THE 331 DEFINITE SENTENCE PRISONERS WERE RELEASED TO SUPERVISION DURING 1942

INSTITUTIONS	Number	Per cent
Attica	77	23.3
Auburn	75	22.6
Clinton	88	26.6
Great Meadow	48	14.5
Sing Sing	34	10.3
State Prison for Women .....	.	....
Wallkill	9	2.7
Woodbourne .....	.	....
TOTAL.....	331	100.0

Length of Institutional Treatment of the 331 Definite Sentence Prisoners Released to Supervision During 1942

In considering the period of incarceration of definite or commuted sentence prisoners, it is necessary to keep in mind the difference in the determination of the date of release for the indeterminate sentence prisoners and those with fixed or definite sentences.

An indeterminate sentence prisoner is committed to prison or to the Elmira Reformatory with a sentence which specifies minimum and maximum terms. His release on parole is discretionary with the Board of Parole. He may be released after his minimum sentence less time off for good behavior, if in the judgment of the Board of Parole there is indication that he is ready for parole and will adjust to normal social life, or his release may be withheld for any period of time not to exceed his maximum sentence.

A definite or commuted sentence prisoner, however, has no minimum term but is committed to prison with a fixed sentence. By good behavior and application to the work assigned to him in the institution, the prisoner under the provisions of the Correction Law, is granted "good time" allowance. If the Governor approves of the allowance the prisoner's term is commuted and the prisoner is released and placed under the jurisdiction of the Board of Parole until his full sentence expires. The Board of Parole has no power over this prisoner's release and cannot shorten or lengthen the period of his incarceration. In spite of this fact, the Board is charged with the supervision of the prisoner after his release from the institution for the amount of time for which his sentence has been reduced by the operation of the "good time" laws.

Of the 331 definite sentence prisoners released to supervision during 1942, one, or 0.3 per cent, had served less than two years in prison; one, or 0.3 per cent, from two years to less than three; 6, or 1.8 per cent, from three years to less than four; 4, or 1.2 per cent, from four years to less than five; and 319, or 96.4 per cent, had been in prison five years or over.

The largest single group, 131, or 39.6 per cent, had been incarcerated for six years but less than seven. It is interesting, too, that 123, or 37.2 per cent, had been in prison for nine years and over.

A detailed table will be found in the last section of this volume, entitled *Statistics*.

Median Period of Incarceration of the Definite Sentence Prisoners Released to Supervision from 1932 to 1942

The accompanying table below shows the median period of incarceration of the definite sentence prisoners released to supervision from 1932 to 1942.

As explained in previous reports, the increase in 1934, as compared with previous years, is explained by reference to the decision rendered by the Supreme Court which held that prisoners convicted between July 1, 1926, and July 1, 1931, were to be granted "good time" allowances of fifteen days a month instead of the ten provided by law. As a result of this interpretation of the law, a number of persons were released from prison who had served long sentences. This resulted in increasing the average or median period of institutional confinement.

In 1938 the median rose markedly again over previous years. This increase apparently was due to the decrease in the number serving sentences of three years or less, and the increase in the number of those who served from five to seven years.

The median period of incarceration of definite sentence prisoners released to supervision in 1939 was eight months above the 1938 median. This was due to the fact that in 1938, 53.3 per cent had been confined for five years or more, while in 1939, 56.6 per cent had spent a similar period of confinement in prison.

The median period of incarceration of definite sentence prisoners released to supervision in 1940 was 79 months, or six years and seven months. This is four months above the median for 1939. The increase may be credited to the fact that in 1939, 1.4 per cent had served from one year to less than two, while in 1940, only 0.9 per cent had served from one year to less than two. Also, in 1939, 251, or 56.7 per cent, had served five years or over, while in 1940, 242, or 79.1 per cent, had been similarly incarcerated.

Thus the relative preponderance, among 1940 releases, of longer sentences accounts for the increase in median period of incarceration in 1940 as compared with 1939.

In 1941, the median again rose, by one month, to 80 months.

In 1942, there was a very decided rise of 10 months, to 90 months. Where, in 1941, 1.5 per cent had served less than two years, in 1942 only 0.3 per cent had. In 1941, 1.8 per cent had served from

two years to less than three; in 1942, 0.3 per cent served that time. And whereas, in 1941, 90.4 per cent had been in prison five years or over, in 1942, 96.4 per cent had these longer sentences. Hence the increase in the median period of incarceration.

The operation of parole, of course, had nothing to do with this, since definite sentence men are released by statutory compensation based exclusively on the sentence imposed and "good time" allowance.

MEDIAN PERIODS OF INCARCERATION OF DEFINITE OR COMMUTED SENTENCE PRISONERS RELEASED TO SUPERVISION FROM 1932 TO 1942

YEAR OF RELEASE	Median period of incarceration
1932	47 months
1933	47½ months
1934	58 months
1935	48 months
1936	48 months
1937	46 months
1938	67 months
1939	75 months
1940	79 months
1941	80 months
1942	90 months

Duration of the Period of Supervision for the 331 Definite Sentence Prisoners Released During 1942

The period of supervision in the cases of definite sentence prisoners depends upon the sentence imposed by the courts. If, for instance, the offender's sentence was two years, he would be under supervision eight months; if for three years, his period of supervision would be one year; if his sentence was four years, it would be sixteen months; and if his sentence was five years, he would be under supervision for twenty months. If the sentence was ten years, the period of supervision would be forty months.

For the 331 definite sentence prisoners released during the year, 3, or 0.9 per cent, would be under supervision for less than three months; 10, or 3.0 per cent, would be under supervision for three but less than six months; 3, or 0.9 per cent, would have supervision periods of six months to less than nine months; 8, or 2.4 per cent, would be under supervision for from nine months to less than one year.

Eleven, or 3.3 per cent, would be supervised for one year but less than eighteen months; 37, or 11.2 per cent, would be under supervision eighteen months to less than two years.

Twenty-nine, or 8.8 per cent, would be supervised two years to less than three; 143, or 43.2 per cent, for three years to less than four; 45, or 13.6 per cent, for four years to less than five; and 42, or 12.7 per cent, would be under supervision for five years and over.

A detailed table on this subject will be found in the last section of this volume, entitled *Statistics*.

The median period of supervision for the definite sentence prisoners released during 1942 was 39 months.

MEDIAN PERIODS OF SUPERVISION FOR THE DEFINITE SENTENCE PRISONERS PLACED UNDER SUPERVISION FROM 1932 TO 1942

YEAR OF RELEASE	Median period of supervision
1932.....	12 months
1933.	15 months
1934.....	26½ months
1935....	24 months
1936....	21 months
1937....	21 months
1938....	24 months
1939	27 months
1940	37½ months
1941..	38 months
1942	39 months

DEFINITE SENTENCE PRISONERS UNDER SUPERVISION DECLARED DELINQUENT DURING 1942

Excluding the 13 definite sentence prisoners allowed to start serving new sentences, the number of definite sentence prisoners under the jurisdiction of the Division of Parole all or part of 1942 was 1,004. During the year, 138, or 13.7 per cent, of the prisoners under supervision were declared delinquent.

Ninety-two, or 66.7 per cent, had been released prior to January 1, 1942.

Of the 331 definite sentence prisoners released during 1942, 46 were declared delinquent during the year.

The reasons for the declaration of delinquency of the 138 definite sentence prisoners and the year of their release from the institutions are shown in the following table:

DEFINITE SENTENCE PRISONERS DECLARED DELINQUENT DURING
1942 — REASONS FOR DECLARATION AND YEAR OF RELEASE TO
SUPERVISION

REASON FOR DECLARATION	YEAR OF SUPERVISION												Total	Per cent
	Before July 1, 1930	1934	1935	1936	1937	1938	1939	1940	1941	1942				
Absconder, whereabouts unknown	...	..	1	1	1	2	1	1	12	20	39	28.3
Failure to comply with other release conditions	...	...		1	...	3	2	13	11	16	46	33.3
Arrested for other crimes.	1	2	2	3	...	4	6	11	14	10	53	38.4		
TOTAL	1	2	3	5	1	9	9	25	37	46	138	100.0		

The above table shows that 39, or 28.3 per cent, of the 138 definite sentence prisoners who were declared delinquent during the year had this action taken by the Board of Parole due to their absconding; 46, or 33.3 per cent, were declared delinquent because of their failure to comply with one or more of the other conditions of release; and 53, or 38.4 per cent, were declared delinquent because of new arrests.

Status at the Close of the Year of the Definite Sentence Prisoners Declared Delinquent During 1942

Before the end of the year, 98, or 71.0 per cent, of the definite sentence prisoners who were declared delinquent were returned to prison. The status of individuals declared delinquent for general violations of release agreements or for absconding is apt to change due to arrests prior to their apprehension and return to the institution.

Of the 46 who were declared delinquent for the violation of the terms of their supervision, 44 were returned to prison during 1942, while disposition was pending the last day of the year in 2 cases.

The number declared delinquent for absconding was 39. At the close of the year, 13 had been returned to prison for such absconding; 1 for other violation of the release agreement in addition to absconding; and 1 after completing a term imposed for conviction of a misdemeanor.

Twenty-four remained unapprehended by the close of the year.

New arrests brought about the declaration of delinquency in 53 cases. Before December 31, 1942, 39 of this number had been returned to prison. In 10 of the 39 cases the charges had been dismissed; 4 had been returned after receiving a suspended sentence for conviction of a misdemeanor; 12 were returned after completing a term imposed for conviction of a misdemeanor; 12 were returned with new sentences for felony conviction; and 1 was returned while disposition of the arrest was pending.

In 14 cases disposition of the cases was pending in the courts by the end of the year.

The reasons for the declaration of delinquency, the district office responsible for supervision, and the status of the violators at the close of the year, follow:

STATUS AT THE CLOSE OF THE YEAR OF THE 138 DEFINITE SENTENCE PRISONERS DECLARED DELINQUENT DURING 1942

	DISTRICTS					Total
	Albany	Buffalo	New York	Out of State	Other	
<i>Declared delinquent for general violation of terms of supervision:</i>						
Returned to institution for such general violation.....	6	15	20	2	.....	43
Returned after completing term imposed for conviction of a misdemeanor.....	.....	.....	1	.....	.....	1
Disposition pending, . . . . .	.....	.....	2	.....	.....	2
	<u>6</u>	<u>15</u>	<u>23</u>	<u>2</u>	<u>.....</u>	<u>46</u>
<i>Declared delinquent because of absconding.</i>						
Returned to institution as absconder....	1	8	4	.....	.....	13
Returned for general violation.....	.....	.....	1	.....	.....	1
Returned after completing term imposed for conviction of a misdemeanor.....	.....	1	.....	.....	.....	1
Not apprehended.. . . .	3	7	11	2	1	24
	<u>4</u>	<u>16</u>	<u>16</u>	<u>2</u>	<u>1</u>	<u>39</u>
<i>Declared delinquent because of arrest:</i>						
Returned after charge was dismissed....	.....	7	3	.....	.....	10
Returned after receiving a suspended sentence for conviction of a misdemeanor	1	3	.....	.....	.....	4
Returned after completing term imposed for conviction of a misdemeanor. . . .	2	4	4	2	.....	12
Returned with new sentence for felony conviction.....	1	3	8	.....	.....	12
Returned — arrest pending.....	1	.....	.....	.....	.....	1
Pending — arrest not disposed of . . . .	.....	1	8	4	1	14
	<u>5</u>	<u>18</u>	<u>23</u>	<u>6</u>	<u>1</u>	<u>53</u>
GRAND TOTAL.....	<u>15</u>	<u>49</u>	<u>62</u>	<u>10</u>	<u>2</u>	<u>138</u>

Total Number of Definite Sentence Prisoners Returned to Institutions During 1942

The definite sentence prisoners who violate their supervision agreements and are returned to prison in any one year, are not limited to those declared delinquent during the year, but may include individuals declared delinquent in other years who have been apprehended, or who have been serving sentences in other institutions and have been released to meet the violation warrant filed against them by the Board of Parole at the time of their incarceration. A total of 140 definite sentence prisoners were returned to the prisons during 1942, of whom 98, or 70.0 per cent, had been declared delinquent during 1942. The remaining 42, or 30.0 per cent, had been declared delinquent in previous years.

YEAR OF DECLARATION OF DELINQUENCY OF THE DEFINITE SENTENCE PRISONERS RETURNED TO INSTITUTIONS DURING 1942

YEAR OF DECLARATION OF DELINQUENCY	Number
1933..	1
1934..	2
1935.....	2
1936..	3
1937.....	3
1938	1
1939.....	4
1940.....	13
1941.....	13
1942.....	98
TOTAL.....	<u>140</u>

Reasons for the Return of the 140 Definite Sentence Prisoners

The 140 definite or commuted sentence prisoners who had violated their supervision agreements and been returned to prison during 1942 included 44, or 31.4 per cent, who were returned for general violations; 22, or 15.7 per cent, who were returned for absconding from supervision; 15, or 10.7 per cent, who were convicted of new felonies and returned with new sentences; 17, or 12.1 per cent, who were convicted of new felonies in other states, had completed sentences there, and been returned to New York prisons thereafter; 1, or 0.7 per cent, who was convicted of a new felony but had his sentence suspended; 25, or 17.9 per cent, who had been convicted of misdemeanors and had completed their sentences for such, after which they were returned to prisons of the State; 4, or 2.9 per cent, who, after conviction for misdemeanors, had sentences suspended; 11, or 7.9 per cent, who, after arrests on new crimes, had had the charges dismissed; and 1, or 0.7 per cent, who had been arrested on a new charge, and returned to prison while disposition of the charge remained pending.

DEFINITE SENTENCE VIOLATORS OF SUPERVISION AGREEMENTS
RETURNED TO THE INSTITUTIONS DURING 1942 ON ORIGINAL SEN-
TENCE OR WITH A NEW SENTENCE

REASON FOR RETURN	Number	Per cent
General violation of supervision agreement	44	31.4
Absconded	22	15.7
Arrested:		
Convicted of felony—new sentence	15	10.7
Convicted of felony and completed sentence in another institution	17	12.1
Convicted of felony—sentence suspended	1	0.7
Convicted of misdemeanor and completed sentence	25	17.9
Convicted of misdemeanor and sentence suspended	4	2.9
Charge dismissed	11	7.9
Case pending	1	0.7
TOTAL	<u>140</u>	<u>100.0</u>

DEFINITE SENTENCE PRISONERS DISCHARGED FROM SUPERVISION DURING 1942

A total of 291 definite sentence prisoners were removed from supervision during 1942. Excluding the 138 prisoners removed from supervision by declaration of delinquency, a total of 153 were removed, all by expiration of their maximum terms.

The table below shows the reasons for the termination of supervision:

REASON FOR TERMINATION OF SUPERVISION OF THE 153 DEFINITE SENTENCE PRISONERS REMOVED DURING 1942

REASON	Number
Expiration of sentence:	
Active supervision	124
Deportation cases	13
Warrant cases	12
Repatriation cases	2
Serving new or additional sentences	2
	<hr/>
Total removed by maximum expiration.	153
	<hr/> <hr/>

Of the 153 discharged, 2 had been serving new or additional sentences, and 151 were actually discharged from supervision outside prison. The years of the commutation of the 151 cases, and the periods for which they were under supervision, are shown in the following two tables:

DEFINITE SENTENCE PRISONERS DISCHARGED FROM SUPERVISION DURING 1942 BY EXPIRATION OF MAXIMUM SENTENCES—YEAR OF COMMUTATION OF SENTENCE

YEAR OF COMMUTATION	Number	Per cent
1931.....	1	0.7
1932.....	1	0.7
1933.....	3	2.0
1934.....	2	1.3
1935.....	7	4.6
1936.....	5	3.3
1937.....	1	0.7
1938.....	15	9.9
1939.....	56	37.1
1940.....	28	18.5
1941.....	25	16.6
1942.....	7	4.6
	<hr/>	<hr/>
TOTAL	151	100.0
	<hr/> <hr/>	<hr/> <hr/>

PERIOD OF SUPERVISION OF THE DEFINITE SENTENCE PRISONERS DISCHARGED BY EXPIRATION OF MAXIMUM SENTENCES DURING 1942

PERIOD UNDER SUPERVISION	Number	Per cent
Less than 3 months.....	3	1.9
3 months to less than 6 months ..	4	2.6
6 months to less than 9 months ..	5	3.3
9 months to less than 1 year..	5	3.3
1 year to less than 1½ years ..	6	4.0
1½ years to less than 2 years....	17	11.3
2 years to less than 2½ years ..	22	14.6
2½ years to less than 3 years ..	8	5.3
3 years to less than 4 years ..	60	39.7
4 years to less than 5 years ..	1	0.7
5 years to less than 6 years ..	5	3.3
6 years to less than 7 years ..	1	0.7
7 years to less than 8 years ..	9	6.0
8 years to less than 9 years ..	1	0.7
9 years to less than 10 years ..	3	1.9
10 years and over.....	1	0.7
TOTAL.....	151	100.0

The median period of supervision of the 151 definite sentence prisoners discharged by maximum expiration of sentence was 3 years, 2 months and 7 days.

History of Supervision of the Definite Sentence Prisoners Discharged from Supervision by the Expiration of Their Maximum Sentences

The following table shows the experience with this group of 151 definite sentence prisoners while under supervision. The conduct of 122, or 80.8 per cent, was satisfactory. While under supervision they were never declared delinquent. In 22, or 14.5 per cent, of the cases, the individuals had been declared delinquent once, returned, and ultimately re-released. One person, or 0.7 per cent, was declared delinquent twice, returned twice, and ultimately re-released. Six individuals, or 4.0 per cent, were declared delinquent once, but delinquency was subsequently cancelled.

HISTORY OF SUPERVISION OF THE DEFINITE SENTENCE PRISONERS DISCHARGED BY EXPIRATION OF SENTENCE DURING 1942

	Albany	Buffalo	New York	Out of State	Warrant	Deportation	Reparation	Total
Never delinquent	12	24	47	13	12	12	2	122
Delinquent once—returned—re-released....	2	7	10	3	.....	.....	.....	22
Delinquent twice—returned—re-released ...	.....	1	.....	.....	.....	.....	.....	1
Delinquent once—cancelled.....	.....	1	2	2	.....	1	.....	6
TOTAL.....	14	33	59	18	12	13	2	151

COOPERATIVE CASES AND CASES UNDER SUPERVISION,
RESIDING IN OTHER STATES

COOPERATIVE CASES

Cooperative cases are those cases which are investigated or supervised by the New York State Division of Parole for other states. Upon request from officials in other states, the Division of Parole is desirous of cooperating in conducting investigations or in supervising parolees. Due to the existing lack of uniform methods of release and standards of supervision, no formal agreements or compacts have been signed with other states, but it has been the policy of the Division of Parole to continue to develop reciprocal agreements with the states which have signified their willingness to adhere to minimum standards of parole work.

In requesting investigations, the Division of Parole of New York State expects the state desiring to parole a prisoner to New York, to adhere to the following procedure:

1. Forward with the request legal and social data which will include:

a. A detailed account of the present offense and record of previous offenses.

b. Personal history record, including age, nativity, education, work record, health, personality, and results of psychological and psychiatric examinations

c. The statement of the family situation-names and addresses of wife and children, parents, brothers and sisters.

d. A definite statement of the reason why the parolee is coming to New York State.

e. A definite statement as to what action will be taken by the paroling state, if the parolee does not follow the conditions of his parole, and the Division of Parole in New York State should recommend a return to the paroling state.

2. It is expected that no state will request the State of New York to accept for supervision, persons:

a. Who would be detached from family, relatives or friends,
or,

b. Who have no legal settlement in New York State, or,

c. Who do not have bona fide offers of employment, or,

d. Who are apt to become public charges.

3. The Division of Parole makes investigations of adult parolees from prisons and reformatories. Because other departments in New York State are charged with the responsibility for the care of insane and mental defectives, the Division of Parole in this State does not investigate or supervise the criminal insane or mental defective.

4. It is expected that the Division of Parole will be allowed at least one month to complete requested investigations.

5. All requests for investigations should be addressed to the central office of the Division of Parole at Albany, N. Y.

At the close of the year 1942, there were 269 parolees under cooperative supervision in New York State from 21 states and from the District of Columbia. One hundred seventy-six, or 65.4 per cent, of the cooperative cases under supervision were paroled from the five boundary states of Pennsylvania, New Jersey, Connecticut, Massachusetts and Vermont.

The following table shows the number of cases under cooperative supervision, according to the state from which they were paroled and the districts of the Division of Parole supervising them:

COOPERATIVE CASES BEING SUPERVISED BY THE DIVISION OF
PAROLE ON DECEMBER 31, 1942

STATE	District Supervising			Total
	Albany	Buffalo	New York	
California		5	15	20
Connecticut . . . . .		..	3	3
District of Columbia		1	5	6
Florida		2	4	6
Illinois	1	4	11	16
Indiana	1	3	1	5
Iowa . . . . .	..	..	1	1
Kentucky . . . . .	..	2	..	2
Maine	1	..	1	2
Maryland . . . . .		..	1	1
Massachusetts	5	4	15	24
Michigan	2	2	6	10
Minnesota . . . . .		..	1	1
Missouri		1	2	3
New Hampshire	1	..	..	1
New Jersey	1	12	58	71
North Carolina . . . . .		..	2	2
Ohio . . . . .	..	4	8	12
Pennsylvania	3	37	32	72
Rhode Island . . . . .	..	..	2	2
Vermont	4	..	2	6
Wisconsin		1	2	3
TOTAL	19	78	172	269

During the year 1942, the Division of Parole completed 316 investigations for 25 states and the District of Columbia. One hundred ninety-five, or 61.7 per cent, were made at the requests of the five bordering states,—Connecticut, Massachusetts, New Jersey, Pennsylvania and Vermont.

The New York District completed 217 of the 316 investigations requested, while the Buffalo District completed 67 and the Albany District 32 investigations.

The following table shows the cooperative investigations completed during 1942 for sending states and district office where completed.

COOPERATIVE INVESTIGATIONS COMPLETED DURING 1942 FOR SENDING
STATES AND DISTRICT OFFICE WHERE COMPLETED

STATE	Albany	Buffalo	New York	Total
Alabama	1		1	2
California	2	1	15	18
Connecticut		1	5	6
District of Columbia	1	1	14	16
Florida	1	2	20	23
Georgia		1	..	1
Illinois	1	2	12	15
Indiana		1	1	2
Kentucky . . . . .		..	2	2
Louisiana . . . . .	..	1	..	1
Maine . . . . .	..	..	1	1
Maryland . . . . .	..	1	3	4
Massachusetts	5	2	12	19
Michigan	4	4	5	13
Minnesota	1	..	..	1
Missouri			3	3
New Hampshire	2	1	..	3
New Jersey	3	7	62	72
North Carolina	1	1	1	3
Ohio . . . . .	..	4	..	4
Pennsylvania	4	35	53	92
Rhode Island . . . . .	..	..	3	3
Vermont	6	..	..	6
Washington . . . . .	..		1	1
West Virginia . . . . .	..	..	1	1
Wisconsin . . . . .	..	2	2	4
TOTAL.	<u>32</u>	<u>67</u>	<u>217</u>	<u>316</u>

CASES UNDER SUPERVISION, RESIDING IN OTHER STATES

A number of individuals who are legal residents of other states are committed from time to time to the New York State prisons and the Elmira Reformatory for crimes committed within New York State. It is, therefore, inevitable that the Parole Board should annually be confronted with a number of requests from inmates to be allowed to return to their native states or to accept programs in other states which have been secured for them by relatives or friends. These requests are carefully studied by the Board of Parole and those requests are considered only when the proper officials in the state to which the prisoner desires to return approve of the plans, and where it appears logical that the prisoner should return to his native state or that he will have a better opportunity to make a successful adjustment than he would in the State of New York.

Before any prisoner is released to supervision to another state, a careful investigation is made of the proposed program by official representatives of a public or private social agency in the locality where the prisoner desires to live.

If the agency reports unfavorably on the program, the Board of Parole does not release the inmate until he has submitted a program which is satisfactory.

When an individual under supervision desires to move to another state to make his home or to accept employment, the parole officer and his supervisor must pass on the merits of the plan. If they feel it is desirable, investigation will be initiated, through the Out-of-State Bureau, in the state where the parolee wishes to go. If the authorities of that state report favorably on the situation, and are willing to accept supervision of the case, the supervisor, with the approval of the Commissioner in charge of the district office, and the further approval of the Commissioner in charge of the Out-of-State Bureau, authorizes the parole officer to allow the parolee to leave New York State.

Before leaving the State of New York, the parolee is advised that he is to follow the directions of the custodian appointed to supervise him in the state in which he is to reside, and he must agree not to change his place of residence without the permission of this custodian and the person in charge of Out-of-State cases in the Division of Parole.

On January 1, 1942, there were 1,113 individuals under Out-of-State supervision, 1,072 with indeterminate sentences and 41 with definite sentences. Three hundred nine prisoners were released to supervision in other states during 1942. Of the 309, 287 were indeterminate sentence prisoners and 22 were definite sentence cases. In addition to these new releases, 165 persons were transferred to the supervision of the Out-of-State Bureau from the New York, Buffalo and Albany districts of the Division of Parole. One hundred forty-one of these transfers were indeterminate sentence parolees, and the remaining 24 were definite sentence cases. Twenty-eight cases were restored to supervision through cancella-

tion of delinquency. Of the 28, twenty-six were indeterminate sentence cases, and two were definite sentence prisoners.

The total number of individuals under Out-of-State supervision during all or part of the year was 1,615. Of these 1,526 were indeterminate sentence parolees, and 89 definite sentence prisoners.

There were 455 persons removed from Out-of-State supervision by maximum expiration of their terms, by death, transfer to the districts within the State of New York and declaration of delinquency.

Two hundred seventy-five individuals were removed from supervision by reason of the maximum expiration of their sentences. Of this number, 257 were indeterminate sentence parolees and 18 definite sentence prisoners. Twelve, all indeterminate sentence individuals, were removed by death.

Seventy-one, 66 indeterminate and 5 definite sentence cases, were transferred from the supervision of the Out-of-State Bureau to the supervision of the Albany, Buffalo and New York districts of the Division of Parole

A total of 97 persons were removed from supervision by reason of declaration of delinquency. Eighty-seven of these were indeterminate sentence cases and ten were definite sentence prisoners.

On December 31, 1942, there were 1,160 persons remaining under the supervision of the Out-of-State Bureau. Of this number 1,104 were indeterminate sentence parolees. The remaining 56 were definite sentence prisoners.

The following table gives the movement of Out-of-State cases during the year 1942:

MOVEMENT OF OUT-OF-STATE CASES DURING 1942

	INDETERMINATE SENTENCE PAROLEES		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
Out-of-State cases under supervision on January 1, 1942	347	725	41	1,113
Out-of-State cases received during 1942				
Released to Out-of-State	58	229	22	309
Transferred from other districts	43	98	24	165
Restored to supervision status by cancellation of delinquency	9	17	2	28
TOTAL OUT-OF-STATE CASES UNDER SUPERVISION DURING 1942	457	1,069	89	1,615
Out-of-State cases removed from supervision during 1942.				
By maximum expiration of sentence	108	149	18	275
By death	4	8		12
By transfer	25	41	5	71
By declaration of delinquency	26	61	10	97
TOTAL OUT-OF-STATE CASES REMOVED FROM SUPERVISION DURING 1942	163	259	33	455
TOTAL OUT-OF-STATE CASES UNDER SUPERVISION ON DECEMBER 31, 1942	294	810	56	1,160

Whenever possible, arrangements are made with public salaried parole or probation officers to supervise these cases. In the event there is no such public agent, there is an attempt made to place the case under the supervision of a public or private social case work agency.

Of the 1,160 cases under supervision on December 31, 1942, 852, or 73.4 per cent, were under the supervision of public salaried parole or probation officers. One hundred thirty, or 11.3 per cent, were under the supervision of representatives of public or private social work agencies.

SUPERVISORS OF THE 1,160 OUT-OF-STATE CASES DURING 1942

SUPERVISORS	Number under supervision
Probation and parole officers	852
Departments of Public Welfare	58
Public Social Agencies	67
Private Social Agencies	4
Police Departments	7
Sheriff	1
Postmaster	1
Public Attorneys	2
Private Attorneys	2
Principal of School	1
Salvation Army	1
Clergymen	3
Businessman	1
Judge	1
Doctor of Medicine	1
Suspended (includes 148 Out-of-State parolees in Armed Services)	158
TOTAL	<u>1,160</u>

Four hundred eighty-three, or 41.6 per cent, of the 1,160 individuals under Out-of-State supervision reside in the five states bounding New York State—Vermont, Massachusetts, Connecticut, New Jersey, Pennsylvania. Altogether the individuals in this series were distributed among 40 states, the District of Columbia, and Puerto Rico, Cuba, Canada, Nova Scotia, British West Indies, Greenland and Hawaii. In addition, 148 were in the armed forces of the country, having entered the service while in the Out-of-State series. This figure does not, of course, include other persons under supervision in the district offices who have entered military service.

NUMBER AND LOCATION BY STATES OF THE 1,160 INDIVIDUALS UNDER
OUT-OF-STATE SUPERVISION DURING 1942

STATE	Number	STATE	Number
Alabama	22	New Hampshire	1
Arizona .	2	New Jersey	198
Arkansas	5	North Carolina	18
California	51	Ohio	53
Colorado	2	Oklahoma	3
Connecticut	72	Oregon	3
Delaware	4	Pennsylvania	130
Distict of Columbia	9	Rhode Island ..	11
Florida	33	South Carolina	30
Georgia	29	Tennessee	14
Illinois	36	Texas	18
Indiana	7	Vermont ..	9
Kansas	1	Virginia	46
Kentucky	2	Washington	4
Louisiana	6	West Virginia	13
Maine	3	Wisconsin	4
Maryland	33	Puerto Rico	6
Massachusetts	74	Cuba	1
Michigan	34	Canada	4
Minnesota	3	Nova Scotia	1
Mississippi	6	British West Indies	1
Missouri	4	Greenland	1
Montana	1	Hawaii	2
Nebraska	1	Armed Forces	148
Nevada	1		
		TOTAL	1,160

**PRISONERS RELEASED FOR DEPORTATION, REPATRI-
ATION OR TO MEET WARRANTS**

PRISONERS RELEASED FOR DEPORTATION

Chapter 6 of the United States Code provides that "An alien who after February 5, 1917, is sentenced to imprisonment for a term of one year or more because of a conviction in this country of a crime involving moral turpitude, committed within five years after entry of the alien to the United States, or who is sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude, committed at any time after entry is subject to deportation. And, any alien who was convicted or who admits the commission, prior to entry, of a felony or other crime or misdemeanor involving moral turpitude is subject to deportation."

The Correction Law of New York State provides that the warden or superintendent of each institution must, within three months after admission of an alien prisoner, cause an investigation to be made of the prison record and past history of each alien prisoner and upon the completion of the investigation send the prison record of the alien prisoner, together with all facts disclosed by the investigations and his recommendations as to deportation to the proper immigration authorities. The immigration authorities lodge with the warden of the institution a deportation warrant against the alien prisoner.

When a deportation warrant is filed against an inmate confined in a prison or the Elmira Reformatory by the immigration authorities, the Department of Correction notifies the immigration authorities of the exact date of release.

Prisoners subject to deportation, if sentenced to an indeterminate term, must serve their minimum sentences less time allowed off for good behavior before being released to meet the deportation warrant. If the prisoner has been sentenced to serve a definite term he must serve his sentence less the time allowed off for good behavior, before he can be released to meet the deportation warrant.

When the preparole data are received from the institutional parole officer, with the exception of the cases where deportation is already assured, the investigations are assigned to the district offices in the area in which the prisoner is confined.

Investigations in deportation cases are made as early as possible and immigration officials are interviewed to learn the probable disposition of the warrant. If there is doubt as to whether or not the deportation will be effected, the case is assigned for a regular preparole investigation.

In the cases of definite sentence prisoners, however, their release is mandatory on a given date, and they must be released to meet the deportation warrants without any further condition. If the immigration officials have not called for these prisoners at the time of the release, it is the responsibility of the Department of Correction to transfer the prisoners to a local jail, to be held pending the arrival of the immigration official.

When an indeterminate sentence prisoner listed as a deportation case appears before the Board of Parole, that body may release him in one of two ways. If it considers the crime a vicious one, or the offender a poor parole risk, but one who has been sufficiently incarcerated for the particular offense, it may release him for deportation only. If it deems the prisoner would be, at a given time, released on parole as an acceptable risk, were it not for the deportation warrant, it may release him for deportation but with instructions to report to the district office in the community in which he plans to live if deportation is not effected.

In cases released for deportation only, the Board does not intend to permit the inmate's release to the community at that time, but solely for purposes of immediate deportation. Therefore, the Board questions the inmate as to whether he intends to resist deportation. If so, the Board may withhold release. If the inmate agrees to accept deportation but, after his release, resists it, he is declared a parole violator.

An inmate released for deportation only is not permitted to leave the institution except in the custody of an immigration official. If deportation is not effected, and the deportation warrant withdrawn, the inmate is held until the next meeting of the Board of Parole at which time it is determined when he will meet the Board for consideration for regular parole.

When deportation is effected, the district office to which the case has been assigned informs the central office of the date of deportation, the name of the ship on which the man was deported, and the name of the country to which he has been deported. This information is then forwarded to the Division of Criminal Identification of the Department of Correction with the notation that should the deported parolee re-enter the country before his maximum expiration date, he will be considered a parole violator and he may be returned to prison to serve the remaining portion of his unexpired sentence before again being deported.

However, if the prisoner is not deported, the district office notifies the central office immediately that the parolee has been released by the immigration authorities on his own recognizance. The central office then notifies the district office that the parolee is to be placed under supervision and the case is from that time on handled as a regular parole case.

When a released prisoner is deported his parole is not terminated. He is considered on parole or supervision until the date of the expiration of his maximum sentence.

During 1942 deportations effected were low as compared with other years because, due to war conditions, the Federal Government was undertaking deportation to but few countries.

There were 378 cases in the deportation series on January 1, 1942. Fifty-four cases were received in the deportation series during 1942. Forty-three of these were new releases; eight were received by transfer from the district offices of the Division of Parole; and three were restored to supervision in the deportation series by cancellation of delinquency.

Fifteen of the 54 cases received in the deportation series in 1942 were deported.

The following table shows the number of persons released for deportation during the year and deported, and the countries to which they were deported, together with the month in which the deportation took place:

NUMBER OF PRISONERS RELEASED FOR DEPORTATION DURING 1942
AND DEPORTED DURING YEAR 1942, BY COUNTRY TO WHICH
DEPORTED AND MONTH OF DEPORTATION

COUNTRY	Jan	Feb	Mar.	Apr.	May	June	July	Aug	Sept	Oct	Nov.	Dec.	Total
Canada	1		1		2	1	.	1			1	2	9
Cuba										1			1
Greece								1					1
Newfoundland							1						1
Scotland				1									1
Sweden		2											2
TOTAL	3	0	1	1	2	1	1	2	0	1	1	2	15

The following table gives the movement of deportation cases during the year 1942:

MOVEMENT OF DEPORTATION CASES DURING 1942

STATUS	INDETERMINATE SENTENCE PAROLEES		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
Deportation cases carried on January 1, 1942.	48	291	39	378
Prisoners paroled during 1942 to meet deportation warrants . . .	1	31	11	43
Transferred from district offices to deportation series		7	1	8
Restored to supervision status by cancellation of delinquency . . .	2	1		3
Total number of deportation cases under supervision all or part of the year . . .	51	330	51	432
Deportation cases removed from supervision during 1942:				
By maximum expiration of sentence . . .	6	55	13	74
By death		1		1
By transfer to district offices		17	10	27
By declaration of delinquency		3		3
Total deportation cases removed during 1942	6	76	23	105
TOTAL DEPORTATION CASES CARRIED UNDER SUPERVISION ON DECEMBER 31, 1942.	45	254	28	327

STATUS OF THE 327 DEPORTATION CASES UNDER SUPERVISION ON DECEMBER 31, 1942

STATUS	INDETERMINATE SENTENCE PRISONERS		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
Received in the deportation series and de- ported in 1942.	1	12	2	15
Received in the deportation series in 1942; deportation pending	2	27	10	39
Received in the deportation series prior to 1942; deported in 1942.....	..	..	..	..
Received in the deportation series prior to 1942; and deported prior to 1942....	42	215	16	273
CASES REMAINING IN DEPORTATION SERIES ON DECEMBER 31, 1942 . . .	45	254	28	327

CASES RELEASED FOR REPATRIATION DURING THE YEAR 1942

Each year there are a number of alien prisoners who express a desire to be returned to their native countries when they are released from the prisons or the Elmira Reformatory. The Board of Parole grants these requests for repatriation when they feel that it would be to the interest of all concerned to allow the alien to be repatriated.

These cases could not be properly carried in the deportation category for these prisoners departed from this country willingly and without legal action. For this reason a separate series has been established for this group of cases.

When a prisoner is paroled for repatriation, his departure from this country is verified by a parole officer who accompanies him to the vessel or train which will take him to his native country. A report is submitted stating the name of the vessel or the number and company of the train on which the parolee departed, the date and place of departure and the country to which the parolee is going. A notice is then sent to the Bureau of Criminal Identification of the Department of Correction advising that Bureau of the parolee's departure and further requesting that this information be forwarded to the Identification Bureau of the Federal Bureau of Investigation at Washington. Both bureaus are asked to mark their records with a notation to the effect that if the parolee re-enters this country without the permission of the Division of Parole, he is to be considered a parole violator and the Division of Parole shall be notified.

The case remains open in the files of the Division of Parole until the expiration of the maximum sentence.

On January 1, 1942, there were 99 cases under supervision in the repatriation series.

During the year 1942, two indeterminate sentence parolees were released for repatriation.

One indeterminate sentence parolee was transferred from a district office to the repatriation series.

One Elmira parolee was placed in the repatriation series after cancellation of delinquency.

A total of 103 individuals were in the repatriation series during all or part of 1942.

During the year, 16 persons were removed from the repatriation series, 12 by reason of maximum expiration of sentence, 3 by transfer to district offices and 1 by declaration of delinquency.

At the close of the year 1942, there were 87 cases remaining in the repatriation series.

The following table shows the movement of repatriation cases during the year 1942:

MOVEMENT OF REPATRIATION CASES DURING 1942

STATUS	INDETERMINATE SENTENCE PAROLEES		DEFINITE SENTENCE RELEASES	Total
	Elmira	Prisons		
Cases remaining in repatriation series on January 1, 1942	15	81	3	99
Persons received in repatriation series in 1942.				
By new release . . . . .	..	2	..	2
By transfer . . . . .	..	1	..	1
By cancellation of delinquency	1	..	..	1
Cases in repatriation series during all or part of 1942	16	84	3	103
Cases removed from repatriation series during 1942:				
By maximum expiration of sentence . . .	1	9	2	12
By transfer . . . . .	..	3	..	3
By declaration of delinquency	1	..	..	1
Total cases removed from repatriation series during 1942	2	12	2	16
Cases remaining in repatriation series on December 31, 1942	14	72	1	87

Following is a table showing the status of the 87 cases in the repatriation series for 1942:

STATUS OF REPATRIATION CASES CARRIED ON DECEMBER 31, 1942

STATUS	INDETERMINATE SENTENCE PAROLEES		DEFINITE SENTENCE RELEASES	Total
	Elmira	Prisons		
Received in the repatriation series and repatriated in 1942 . . . . .	..	2	..	2
Received in the repatriation series in 1942, repatriation pending	1	1	..	2
Received in the repatriation series prior to 1942 but repatriated in 1942 . . . . .	..	..	..	..
Received in the repatriation series prior to 1942 and repatriated prior to 1942	13	69	1	83
Cases remaining in repatriation series on December 31, 1942	14	72	1	87

Two of the 4 cases received in the repatriation series in 1942 were repatriated. In two cases repatriation proceedings were pending on December 31, 1942.

The following table shows the number of prisoners received in the repatriation series during 1942 and repatriated during 1942, by country to which repatriated and month it occurred:

PRISONERS RECEIVED AND REPATRIATED DURING 1942

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Puerto Rico.....	..	2	...	..	...	...	..	...	..	—	..	..	2
TOTAL . .	—	2	...	—	—	..	...	...	—	—	..	...	2

War conditions have made it very difficult to effect repatriation, as the record indicates.

CASES RELEASED TO MEET WARRANTS

The Board of Parole also considers for release on parole a number of prisoners against whom there are warrants lodged by other law enforcement agencies. These cases are under the control of the central office and are carried in a separate category known as the "Warrant Series."

When a prisoner is released to meet any warrant except a deportation warrant, the institutional parole officer notifies the central office of the date on which the prisoner is released, and gives the name of the officer taking the prisoner into custody. He also advises the nature of the warrant, the jurisdiction in which it was issued, and the name of the jail or detention house where the prisoner will be held until the disposition of the warrant.

If the warrant has been issued from a jurisdiction within the State of New York, the central office assigns the case to the proper district office for an investigation, and requests that the case be followed until a disposition is made of the warrant.

If the warrant issues from a jurisdiction outside the State of New York, the central office is required to follow the case until the warrant is disposed of either by withdrawal or the imposition of sentence by the court.

If the parolee receives a new sentence for the crime for which the warrant was issued, the central office is notified of the length of the sentence, the name of the institution in which the prisoner will be confined and the probable date of release. The case remains in the warrant series until the sentence imposed has expired, when the prisoner is transferred to the supervision of a district office of the Division of Parole. Should the maximum sentence of the parole term expire while the individual is in custody on the warrant, he is discharged from the records of the Division of Parole.

In the event the prisoner receives a suspended sentence or is discharged from custody on the warrant for any other reason, the prisoner is transferred from the warrant series to the active supervision of one of the district offices of the Division of Parole.

There were 120 cases in the warrant series on January 1, 1942. During the year, 209 prisoners were released to meet warrants, and 3 were received in the warrant series by transfer from district offices.

There was a total of 332 cases in the warrant series during all or part of 1942.

One hundred ninety-eight were removed from the warrant series during the year; 19 by expiration of maximum term; 176 by transfer to district offices; and 3 by declaration of delinquency.

On December 31, 1942, 134 cases remained under the control of the warrant series.

The following table shows the status of the warrant cases during the year 1942:

STATUS OF WARRANT CASES CARRIED ON DECEMBER 31, 1942

STATUS	INDETERMINATE SENTENCES PAROLEES		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
Warrant cases remaining on January 1, 1942	24	60	36	120
Released to meet warrants during 1942	56	140	13	209
Received by transfer	2	1		3
Total warrant cases under supervision all or part of 1942	82	201	49	332
Warrant cases removed from supervision during the year 1942.				
By maximum expiration of sentence . .	1	6	12	19
By transfer to district offices	41	124	11	176
By declaration of delinquency	1	.	2	3
Total warrant cases removed from supervision — year 1942.	43	130	25	198
Warrant cases remaining under super- vision December 31, 1942 . .	39	71	24	134

EXECUTIVE CLEMENCY BUREAU

EXECUTIVE CLEMENCY BUREAU

One of the functions of the Parole Board delegated to it by the laws of 1930, consists of the investigation and reporting to the Governor on applications for various forms of executive clemency, excepting in capital cases. In the cases of those prisoners who are condemned to death, the Governor customarily holds open hearings at which the attorneys for defense and prosecution appear and present their arguments.

The handling of clemency applications before the formation of the present Division of Parole was in the hands of the Governor's Counsel. Since then the facilities of the Division of Parole have been available and have furnished the Governor with a very complete and detailed investigation in each case. This investigation is presented to the Governor together with an analysis of all phases of the case, and recommendation by the Parole Board.

This work of the Parole Board is of an entirely confidential nature and furnishes the Governor with an exhaustive study upon which a case can be acted upon with regard solely to the just merits of the individual. Four special executive clemency investigators are employed whose whole time is devoted to this work.

There are a number of forms of clemency which the Governor is requested to exercise, the most important of which is that of commutation of sentence for men in prison. Unlike many states, an absolute pardon is an extreme rarity in New York State. When a man is released from prison by an act of clemency, the Governor commutes the minimum term so that the prisoner can come before the Parole Board. He is, however, paroled under all the restrictions which are prescribed for any parolee and remains on parole until the expiration of the maximum sentence which was imposed by the court. Approximately a hundred new applications for commutation of sentence are filed each year but there are hundreds of others which have been deferred for one reason or another and about which there is constantly a very large volume of correspondence.

Many applications for commutation are received which are premature or absolutely without merit and no investigation is conducted. If it appears that there would be some justification for the Governor entertaining the application, an investigation is conducted and presented to the Governor when opportunity offers. In comparatively few cases does the Governor find that sufficient reasons have been shown for him to grant special commutation. During the past year the number was twenty-three.

Other forms of executive clemency concern those who are no longer in confinement but whose convictions stand in the way of certain rights and privileges. They are as follows: restoration to citizenship, which restores voting franchise and other rights which are inherent in citizenship; pardon to remove disability, which permits entry into professional licensure or other privileges which

are forfeited by conviction and not restored by citizenship; pardon to permit naturalization and pardon to prevent deportation. Petitions for pardons to permit naturalization have been stimulated by the war and have doubled in the last two years.

Number of Commutations and Pardons Granted

The entry of the United States into the war resulted in an increase in the number of new applications received for pardons to remove disabilities, to prevent deportation, and to permit naturalization. A number of individuals who had previously applied for these types of pardons renewed their applications due to the fact that early in the year provisions were made by the United States Government for the registration of aliens, and war industries would not employ individuals unless they could present proof of citizenship. In cases of individuals convicted of felonies, citizenship could only be regained by the Governor granting pardons, restoring their citizenship. The total number of cases in which action was taken by the Governor was 339. In twenty-three of these 339 cases the sentences of prison inmates were commuted. An additional 124 individuals were restored to citizenship and 192 pardons were granted. These pardons included 1 absolute pardon, 118 to remove disabilities, 22 to prevent deportation, and 51 pardons to permit naturalization.

The following table gives a statistical summary of the operation of the Executive Clemency Bureau during the year 1942.

STATISTICAL SUMMARY OF THE OPERATIONS OF THE EXECUTIVE CLEMENCY BUREAU FOR THE CALENDAR YEAR OF 1942

Applications on file January 1, 1942.	2,256
For commutation of sentence.	540
For restoration of citizenship.	994
For pardons	722
(a) Absolute pardons	1
(b) Pardons to remove disability	160
(c) Pardons to prevent deportation	80
(d) Pardons to permit naturalization	481
New applications received during the year.	415
For commutation of sentence.	87
For restoration of citizenship.	95
For pardons	233
(a) Absolute pardons	1
(b) Pardons to remove disability	115
(c) Pardons to prevent deportation	38
(d) Pardons to permit naturalization	79
Number of cases granted by the Governor.	339
Commutations	23
Restorations to citizenship.	124
Pardons	192
(a) Absolute pardons	1
(b) Pardons to remove disability	118
(c) Pardons to prevent deportation	22
(d) Pardons to permit naturalization.	51

STATISTICAL SUMMARY OF THE OPERATIONS OF THE EXECUTIVE
CLEMENCY BUREAU FOR THE CALENDAR YEAR OF 1942

—Concluded

Number of cases in which no action was taken by the Governor but applicants became eligible for parole or eligible for release by expiration of their sentences	77
Number of applications on file December 31, 1942.....	2,255
For commutation of sentence	527
For restoration of citizenship	965
For pardons	763
(a) Absolute pardons	1
(b) Pardons to remove disability	157
(c) Pardons to prevent deportation	96
(d) Pardons to permit naturalization	509

This table shows the institutions from which persons, who were granted commutation of sentence, were released.

Herkimer County Jail	1
Sing Sing Prison	6
Dannemora State Hospital	1
Wallkill Prison	1
Attica Prison	5
Great Meadow Prison	3
Auburn Prison	3
Clinton Prison	2
Westfield State Farm	1
TOTAL.....	<u>23</u>

APPLICATIONS REVIEWED BY THE GOVERNOR

	Commutations	Restorations	Pardons	Total
Granted	23	124	192	339
Denied	35	26	66	127
TOTAL	<u>58</u>	<u>150</u>	<u>258</u>	<u>466</u>

This table gives the crimes committed by prisoners who received commutation of sentence:

Violation of Section 1053-A of the Penal Law.....	1
Subornation of Perjury, first degree.....	1
Grand Larceny, first degree	1
Burglary, third degree.....	2
Murder, first degree	2
Robbery, second degree	1
Attempted Robbery, first degree	1
Grand Larceny, second degree	1
Robbery, first degree.....	2
Murder, second degree.....	5
Attempted Burglary, third degree, as a fourth offense.....	1
Manslaughter, first degree, armed.....	1
Attempted Arson, second degree; Attempted Arson, third degree and Conspiracy	2
Assault, second degree	1
Grand Larceny, first degree, and Grand Larceny, second degree	1
TOTAL.....	<u>23</u>

The following table shows the sentences imposed and the approximate time served in each of the twenty-three cases of inmates released by special commutation of sentences:

ORIGINAL SENTENCE	TIME SERVED
1 year	69 days
5 years to 10 years..	2 years, 4 months, 13 days
3 years to 6 years	4 years, 3 months, 1 day
10 years to 11 years .	5 years, 9 months, 20 days
15 years to 30 years	6 years, 4 months, 8 days
15 years to 30 years	5 years, 1 month, 3 days
1 year to 2 years	5 months, 19 days
10 years to 20 years	3 years, 9 months, 18 days
20 years to life.	10 years, 8 months, 8 days
20 years to life	9 years, 19 days
20 years to life	10 years, 8 months, 6 days
15 years to life .	3 years, 11 months
20 years to life .	5 years, 9 months, 22 days
15 years to 30 years	7 years, 5 months, 7 days
10 years to 20 years	3 years, 6 months, 17 days
Execution	17 years, 7 months, 4 days
4 years to 8 years	7 months, 20 days
2 years to 4 years .	7 months, 16 days
10 years to 20 years	3 years, 9 months, 18 days
5 years to 10 years	2 years, 1 month, 25 days
Execution	23 years, 6 months, 6 days
20 years to life	8 years, 10 months, 9 days
5 years to 10 years	2 years, 5 months, 29 days

INVESTIGATIONS

Number of preliminary investigations made.	487
Number of cases in which complete field investigations were made .	219

The following table shows the number and different types of complete field investigations made and the District Office that conducted the investigation:

DISTRICT	COMMUTATIONS OF SENTENCE	RESTORATION OF CITIZENSHIP	PARDONS	TOTAL
Albany	5	18	13	36
Buffalo	10	12	31	53
New York	23	27	80	130
TOTAL	<u>38</u>	<u>57</u>	<u>124</u>	<u>219</u>

EMPLOYMENT FOR PAROLEES

EMPLOYMENT FOR PAROLEES

The year 1942 established a record for the Division of Parole so far as employment of parolees is concerned. It showed a higher proportion than ever before of parolees employed. Inmate placements through means other than their own efforts swerved sharply upward. Employers pleaded for labor instead of having to be convinced of the working capacities of parolees. And parolees, by their efforts, demonstrated that they could make a valued contribution to the war effort, many of them faithfully filling jobs, working hard, at good pay, in the common purpose of producing for the country and the war. This has given parolees a sense of belonging, of taking their place again as citizens, respected and self-respecting.

War conditions, of course, produced this situation. Skilled workers are needed, and the public realizes that a criminal record in itself does not mean an individual possessing such will not make a valued employee, or one less patriotic than his more fortunate neighbor. Unskilled workers are also very much in demand, and those parolees who have no skills, or are not training for skills, are gladly taking their place in the vast army of unskilled workers who, too, are making their contribution.

It was not more than three years ago that an inmate who was unsuccessful in getting a parole employment offer through his own efforts was frustrated thereafter unless he could call upon agencies to help him. While aid was forthcoming, it could not, because of industrial conditions, be widespread enough to take care of all who applied. The situation in 1942 is different.

For years agencies such as the New York Prison Association, the Osborne Association and the Salvation Army were the principal organizations outside the Division of Parole interested in developing employment programs for inmates who had exhausted their own resources in this direction. They never refused a request from the Parole Board to interest themselves in given inmates; they corresponded with inmates who had written directly to them; and they produced many work offers.

In addition, parole officers, particularly in up-state areas, canvassed employers in their territories and secured a number of work offers for inmates who otherwise would have remained incarcerated.

Until very recently the great majority of work offers for inmates secured through efforts other than their own were effectuated through these sources, the New York Prison Association, the Osborne Association, the Salvation Army, and parole officers making independent efforts. The Division of Parole is grateful for the whole-hearted cooperation and generous help it (and inmates) received in this direction.

It was not until the latter part of 1942 that the Employment Bureau of the Division of Parole, as such, was able to make many inmate placements, its efforts until then necessarily being devoted to getting parolees already out into employment. But in the last

quarter of 1942 the situation changed radically, as will be seen in the material following in this report. Jobs became increasingly available; the parole case load became practically entirely employed; and there were still job offers which the Employment Bureau now could use for inmates. The primary focus of the Employment Bureau, by law, has however been, and needs to continue to be, as specified in Section 118, Chapter 824, Laws of 1930, "to aid persons coming under the supervision of the board of parole in securing employment." But in times of unusual industrial activity, when those persons under the supervision of the Board of Parole are placed in employment, there is no reason why additional employment opportunities should not be reserved by the Employment Bureau for given inmates.

Employment of Individuals Under Supervision

Excluding cases residing in other states, warrant, repatriation and deportation cases, and the 1,403 persons in the armed forces, 97.2 per cent of employable individuals who were under the supervision of the Division of Parole on December 31, 1942, were employed. Unemployables, excluded from the computation, were comprised of persons incapacitated for work by old age, acute or chronic illness, crippling defects, and temporary incarceration without yet having been declared delinquent.

Broken down by district offices, the Albany District had 99.5 per cent of its employable parolees employed on December 31, 1942. The Buffalo District had 98.1 per cent, while the New York District had 96.2 per cent.

For purposes of comparison over the years, the table below gives the per cent of employables employed on the last day of each year among persons under supervision in the three district offices:

PER CENT OF EMPLOYABLES EMPLOYED AMONG PERSONS UNDER SUPERVISION IN THE THREE DISTRICT OFFICES THE LAST DAY OF THE YEAR—BY YEARS

YEAR	Per cent of Employables Employed
1931.	83.1
1932.	76.4
1933.	81.3
1934.	79.3
1935.	87.4
1936.	86.5
1937.	83.9
1938.	80.7
1939.	84.0
1940.	86.8
1941.	93.5
1942.	97.2

It will be seen that, while there were variations upward and downward, year by year, 1941 saw the highest point in employment up to that time, 93.5 per cent, an increase of 6.7 per cent

over 1940. In 1942, this rose to 97.2 per cent, 3.7 over 1941, and 10.4 per cent above the per cent of employables employed in 1940. The year 1942 saw more employment among persons under supervision than did any other year in the history of the present Division of Parole.

To be sure, this does not mean that every person employed was working full-time on December 31, 1942. Of the total employed, however, the great majority, 97.4 per cent, were working full-time, while 2.6 per cent were employed part-time.

In the Albany District 98.0 per cent of the employable were working full-time, and 2.0 per cent part-time. In the Buffalo District 97.5 per cent worked full-time, while 2.5 per cent were employed in part-time occupation. In the New York District 97.3 per cent were employed on a full-time basis, and 2.7 per cent worked part-time.

Persons under supervision of the Division of Parole during the month of December, 1942, were engaged in a wide variety of occupations. Among the full-time workers were many particularly needed in war-time production. A partial list of full-time occupations of this sort engaged in by individuals under supervision in December, 1942, is given for illustrative purposes. Where the occupation is listed in the singular this means only one person was so employed.

Auto mechanics	Machinists' helpers
Airplane mechanic	Miner
Bricklayer	Oilers and wipers
Boilermaker	Plumbers
Blacksmiths	Painters
Carpenters	Pressmen
Crane operators	Printers
Chemists	Production man
Cooper	Pattern makers
Chain maker	Plasterer
Draftsmen	Refrigeration mechanics
Diver	Riveters
Dock builders	Rock driller
Engineers (stationary, consulting, electrical, maintenance, locomotive, hoisting, marine, radio and mechanical)	Radio repairmen
Electricians	Riggers
Foremen	Rope splicers
Farmers	Roofers
Farm hands	Radio operators
Iron workers	Sheet metal workers
Inspectors (construction, air brakes, ship construction, ear phones, machine parts, foundry)	Seamen
Linotype operator	Stevedores
Lumberjack	Shipfitters
Lens grinder and polisher	Sandblasters
Machine operators of all kinds	Switchman
Machinists	Surveyors
	Truckmen
	Tool and die makers
	Tanner
	Thermometer maker
	Tinsmith
	Welders
	Wheelwright

It is not to be assumed that all the persons under supervision held highly skilled or defense occupations. Many worked at other and simpler civilian operations, thus, presumptively, relieving other workers with greater skills, so they might go into defense work. Some of the jobs of this type held by persons under supervision in December, 1942, included:

Auto washers	Laundry workers
Bell boys	Linoleum layers
Bootblack	Laborers
Bookbinder	Maintenance men
Bill poster	Porters
Chauffeurs	Packers
Cooks	Pressers
Cloth cutters	Pottery workers
Counter men	Peddler
Collectors	Restaurant workers
Candy maker	Shoemakers
Charwoman	Steeplejack
Delivery boys	Stablesman
Doormen	Truck helpers
Domestics	Tool room tender
Elevator operators	Upholsterers
Garage workers	Ushers
Gardeners	Undertakers' helpers
Hospital workers	Waiters
Handymen	Window cleaners
Janitors	Warehousemen

There were some white-collar workers in employment of greater or less responsibility, among them:

Accountants	Office workers
Clerks	Purchasing agent
Cashiers	Switchboard operator
Laboratory assistant	Stenographers
	Secretaries

A number worked in business, as owners, managers or employees. Some occupations were:

Buyers	Owners of businesses (ma-
Collectors	chine shop, mill, grocery,
Furriers	book store, laundry, garage,
Florist	shoe repairing, sail manu-
Junkmen	facturing, coat manufac-
Jewelers	turing, restaurant, ware-
Managers of businesses (deli-	house, beauty parlor, glove
cateressen, poultry farm,	making, dairy, furniture
office, factory, restaurant,	making, coal and ice, de-
sales, sporting goods store,	partment store, fruit and
auto repair shop, theatre,	vegetable stores, printing
auto sales, laundry, shoe	shops, etc.)
department, personnel,	Sales manager
etc)	Salesmen
	Watchmakers

A few of the more unusual occupations were:

Artists	Musicians
Barge captains	Masseur
Cartoonist	Milliner
Fisherman	Pugilist
Guide	Photographers
Hairdresser	Publicity agent
Kennelmen	Silversmith
Librarian	Teacher
	Weaver

And, of course, to this list should be added the 1,403 persons who, on December 31, 1942, were serving in the armed forces.

By no means did all the persons under supervision secure their jobs through the Employment Bureau of the Division of Parole. The majority found their own jobs, or had members of their families secure them. Others, as has been explained, were recipients of employment through the New York Prison Association, the Osborne Association and the Salvation Army. Still others were informed of vacancies by their parole officers.

Excluding pre-parole jobs secured for inmates by the Employment Bureau, to be discussed later, in 1942 there were 509 individuals already under supervision who asked for assistance of the Employment Bureau. Of these, 402 were placed by the Bureau in a total of 532 positions. It is apparent, some of the 402 individuals received more than one job from the Employment Bureau in the course of the year. Of the 107 persons who were not placed during the year, some were offered, but refused, jobs; some were offered work but immediately thereafter got better offers elsewhere and did not begin on the job secured by the Bureau; and some registered with the Employment Bureau, then, perhaps within a day, got their own jobs before the Bureau could.

Of the jobs secured by the Employment Bureau exclusively, the following is a partial illustrative list. It includes jobs secured for inmates as well as those found for individuals already under supervision:

Dispatcher	Refrigeration mechanic
Draughtsman	Machinists and helpers
Accountant	Electricians and helpers
Laboratory assistant	Plumbers
Salesmen	Carpenters
Office workers	Pipefitter
Airplane workers	Boiler maker
Metal inspector	Machine operators
Sheet metal workers and helpers	Grinders, polishers and buffers
Hydraulic gun riveter	Seamen
Welders and helpers	Oilers
Roofers and helpers	Wipers
Painters	Brakemen
Printer	Cook
Tailor	Waiters
Nursery man	Pressers
	Handymen

Power press operators	Leather cutter
Clerks	Shoemakers
Packers	Laundry workers
Chauffeurs	Iron workers' helpers
Nailers	Steamfitters' helpers
Restaurant workers	Stevedores
Hospital workers	Foundry worker
Farm hands	Track repairmen
Truck helpers	Meat handler
Porters	Auto mechanics' helpers
Laborers	Coopers' helpers
Warehousemen	Factory workers
Moulders' helpers	

Taking all persons under supervision on December 31, 1942, who were employed full-time during the month of December, the following tables have been set up to indicate the several factors shown. For comparative purposes, 1941 figures are given also.

FULL-TIME WORKERS—CLASSIFICATION OF EMPLOYMENT

TYPE EMPLOYMENT	Per cent	
	1941	1942
Professional and managerial	3 1	2 0
Clerical and sales	8 3	6 8
Skilled	31 7	31.1
Semi-skilled	17.7	19.9
Unskilled	39 2	40 2
TOTAL	<u>100 0</u>	<u>100 0</u>

As compared with 1941, there was a decline, in 1942, of persons employed in professional and managerial as well as in clerical and sales work. There was a slight decline of 0.6 per cent in skilled workers, a 2.2 per cent increase in semi-skilled workers, and an increase of 1.0 per cent in unskilled workers. The downward trend in work classification is probably accounted for in large measure by the fact that a number of individuals with few skills or none and with many personality and physical handicaps were released the latter part of 1942 on job offers secured through the Employment Bureau. They constituted men who had been held in the institutions for varying periods of time, the Parole Board having voted to parole them if and when they found suitable employment. They had been unable to get work offers themselves because, among other reasons, they were unskilled, some chronically ill or partially crippled, some emotionally unstable. Naturally, when eventually placed, they could perform only work of lesser importance.

The following table shows, for full-time employees during December, 1942, under supervision in the three district offices the last day of the month, weekly wage schedules for such employment. Comparison is made with 1941 figures. Men in the armed forces are, of course, excluded.

**FULL-TIME EMPLOYEES—WEEKLY WAGE RANGE AND PER CENT OF
WORKERS IN EACH CATEGORY**

WEEKLY WAGE RANGE	Per cent	
	1941	1942
Less than \$10.00	3.5	0.8
\$10.01 to \$15.00	14.6	3.6
\$15.01 to \$25.00	39.6	32.8
\$25.01 to \$35.00	25.7	30.1
\$35.01 to \$50.00	13.2	21.2
\$50.01 and over	3.4	11.5
TOTAL	<u>100.0</u>	<u>100.0</u>

Just as wages were better in 1941 than had been the case in 1940, so they were even higher than in 1942 as compared with 1941, in spite of the fact indicated in the foregoing that fewer persons in 1942 engaged in skilled or white-collar operations as compared with 1941. Whereas in 1941 a total of 3.5 per cent of full-time workers earned less than \$10.00 per week during December of that year, only 0.8 per cent earned that wage in December, 1942. In the \$10.01 to \$15.00 classification there was a very decided drop, from 14.6 per cent in 1941 to 3.6 per cent in 1942. The \$15.01 to \$25.00 category fell from 39.6 per cent in 1941 to 32.8 per cent the following year.

The increase begins in the wage range from \$25.01 to \$35.00. In December, 1941, 25.7 per cent of individuals under supervision in the three district offices were earning that wage. In 1942 this rose to 30.1 per cent. In the \$35.01 to \$50.00 category the rise was from 13.2 per cent in 1941 to 21.2 per cent in 1942. In December, 1941, 3.4 per cent of full-time workers earned \$50.01 or over. In December, 1942, 11.5 per cent did.

An individual who had at least six days of work during the month of December, 1942, and who, on December 31, 1942, was still at work, was, for purposes of this analysis, considered a part-time worker.

The occupations at which these part-time workers were employed during December, 1942, have been classified in the table below, for individuals under active supervision in the three district offices on December 31, 1942:

PART-TIME WORKERS—CLASSIFICATION OF EMPLOYMENT

TYPE EMPLOYMENT	Per cent
Professional and managerial	3.5
Clerical and sales	7.7
Skilled	15.5
Semi-skilled	12.7
Unskilled	60.6
TOTAL	<u>100.0</u>

On the basis of the average daily pay a computed estimate was arrived at for the weekly earning schedule of the individuals in the three district offices working part-time during December, 1942, and under supervision the last day of the month:

PART-TIME WORKERS—COMPUTED ESTIMATE OF WEEKLY EARNINGS
AND PER CENT OF WORKERS IN EACH CATEGORY

WAGE RANGE	Per cent
Less than \$10.00	9.9
\$10.01 to \$15.00.	9.1
\$15.01 to \$25.00	43.0
\$25.01 to \$35.00	24.6
\$35.01 to \$50.00	7.8
\$50.01 or over..	5.6
TOTAL	100.0

A total of 62.0 per cent earned, as a computed estimate, \$25.00 per week or less. Of these, 9.9 per cent earned less than \$10.00 weekly. There were 38.0 per cent earning more than \$25.00 per week as a computed estimate.

Inmate Placements

Prior to the war, finding work offers for inmates to present as part of the consideration toward parole was difficult. Families and relatives were more successful than outside agencies because they appealed to friends who were employers. But the average employer would not undertake to hire a person sight unseen. Nevertheless some did, principally, until very recently, through the good offices of the New York Prison Association, the Osborne Association and the Salvation Army. But these agencies could not meet all the demands. The Employment Bureau of the Division of Parole could not either, having as it did, in addition, the primary responsibility of first placing those already under supervision. It was not until this country's entrance into the war and the consequent improvement in industrial activity that inmate placements (securing of job offers for individuals eligible for parole while they are still incarcerated) took a sharp swing upward. Even then, the Employment Bureau was able to make relatively few inmate placements until the last quarter of 1942, when suddenly a very considerable number of jobs became available for inmates upon release. Until then, such inmates who were eligible for parole otherwise and who had exhausted their own resources in finding work had to depend principally on the organizations named above and parole officers in the field who might hear of work openings.

The Board of Parole had been studying the problem of inmate placements for a long time. It set up in Central Office, a so-called holdover file of persons eligible for release and voted parole if

and when parole programs were submitted and approved. A card was made out for each such inmate, showing the length of time the individual had been held under this status and the district office charged with attempting to formulate a home and employment program.

A second card was set up for each such inmate, carrying data on his age, color, physical condition, education, vocational and institutional training, enabling the rapid classification of these inmates toward early placement, since the principal skill or capacity of each inmate is recorded, and the cards kept by occupations.

The Board of Parole emphasized to the staff its desire that the Division of Parole aid in the prompt placement of inmates considered eligible for parole. Each month a list of such "holdover cases" was sent to each of the district offices. Every month a report of the progress made in effecting these placements is now furnished to the Board of Parole.

In addition to district office efforts to formulate parole programs, designated personnel in Central Office studies the holdover cases regularly and sends suggestions and clues for placement to the district offices concerned.

These systematic methods yielded results in 1942. In addition, the Employment Bureau, as related above, became able to make inmate placements. And still further in the latter part of 1942 negotiations were undertaken (and not quite completed by the end of the year) for referral of particular inmates to the United States Employment Service for possible placement in critical occupational fields.

The Board of Parole has held to the principle that first an inmate, otherwise a good parole risk, must make his own efforts to secure work. Only after he has demonstrated his interest and efforts in this direction does the Board enlist the interest of the staff of the Division of Parole. That results were achieved in inmate placement of "holdover cases" is apparent from the statistics on the subject. On August 1, 1942, for instance, 990 inmates were held as "holdover cases" for employment only. This was in itself a reduction from the number so held at the beginning of the year. On December 31, 1942, there were 375 inmates so held. This number included not only persons who were among the 990 held on August 1, 1942, but inmates added to the list the last four or five months of the year by further action of the Board in voting parole contingent upon production of a satisfactory program.

Those placed secured their employment principally through the Division of Parole and the agencies already referred to, only a few of these "holdovers" having found their own jobs, as would be expected, since they were "holdovers" by virtue of having been unsuccessful up to a given date, in finding work themselves.

Among those still held as "holdovers" on December 31, 1942, were a number just placed in that category and, judging by recent experience, soon to receive employment offers through the media

described. And, almost exclusively, the balance over this number consisted of persons seriously handicapped in some manner, hence difficult to place in employment.

But even difficult cases have been placed. Individuals with tuberculosis in arrested stages; mild cardiacs; men with hernias; some with one leg or one eye; a number who were advanced in years; these were some of the difficult placement problems for whom employment was found through the efforts of the Division of Parole. In peace time, it is very likely, employment would not have been available to them.

A total of 555 work offers were secured for "holdover" inmates in 1942 by the Division of Parole. Two hundred thirty-seven were secured through the efforts of the parole officers in the district offices, 59 in the Albany District, 99 in the Buffalo District, and 79 in the New York District. Three hundred eighteen jobs were secured by the Employment Bureau, most of them during the last quarter of the year.

Because the employment situation is so different from what it had been in previous years, a few cases are given below illustrative of the part employment now plays in the lives of individuals under supervision. Identifying data is, of course, changed and all names are fictitious.

John A.

John A. had an unsavory record behind him. He had six arrests, two for felonies; had served four sentences, one for as much as five to ten years, and one for twenty years (a definite sentence). He had been on probation and parole before he received his last sentence. While on parole from the latter (on a conviction for robbery with a gun) he violated his parole and was returned to prison.

During his years of incarceration he had become estranged from his wife, and his young son was cared for by the paternal mother. John's work history had never been auspicious. He worked sporadically, often was unemployed, and a good deal of the time was unable to work because of incarceration.

At the beginning of 1942, when he was forty years of age, he was reparaoled, with little prospect of becoming a good wage earner. He had submitted a job offer as a coal man, where he would earn forty cents an hour, and average perhaps \$16.00 per week. This was in a small plant in Utica.

Three months later he came to New York City to attend the funeral of his mother. While in New York he applied to the Employment Bureau of the Division of Parole for a better job. He was practically destitute, having only \$9.00 in his possession.

Eleven days later the Employment Bureau secured work for him as an electrician, for a concern doing very important defense work. His record was known to the employer, but he was hired, at ninety cents an hour. He has held this job ever since, and has earned as much as \$135.00 per week.

Recently John's son, now 21, visited the office of the Employment Director, thanked him for what had been done for his father, and stated that whereas his earnings had heretofore been needed toward his father's support, this was no longer the case, and he, the son, planned to join the armed forces.

It is, of course, too early to judge whether John A. will revert to crime. But he has worked more steadily than ever before in his life; earns better pay than he ever has earned, and feels he is making a contribution to the war effort.

Through the Employment Bureau's efforts a man with not too happy prospects previously is learning good work habits; he is earning a very good wage; he is in position to save toward the future, with the guidance of his parole officer; and his son became free to join the armed forces.

George B.

George B was a discouraged and defeated young man when he entered prison. At eighteen, up from the South but three months, he had committed his first crime, a burglary, and been caught in the act. At nineteen he was in prison. At twenty he appeared before the Board in a most unhappy frame of mind. His parents, he explained, had died when he was an infant. He was raised in an orphanage and had received almost no education. He did not even know whether he had brothers or sisters. Discharged from the orphanage at sixteen, he worked at washing dishes, acting as a bus boy, peddling newspapers. Then he heard that Negroes could get work in New York. With \$7.00 in his pocket he worked his way to New York. The streets were not lined with gold, and he soon was destitute and desperate. He committed his first crime. Now, pitying himself a great deal, he shed tears before the Parole Board, explaining he was all alone in the world, no one would help him, he would not get out of prison before he had served his maximum sentence because he would never find a job, and so on.

The case was assigned to a district office for further study. A parole officer, bearing in mind George was almost feeble-minded, had held practically no job for as long as six months, had no skills, nevertheless undertook to find something for him. In January, 1942, he went systematically through his territory as he traveled about on business, and gave frank facts and an earnest appeal to every owner of a restaurant, diner, or "coffee pot" he came across. No success. Dishwashers were still available. He tried barber shops. They would not hire porters sight unseen.

In February he tried factories in his area. They wanted skilled or semi-skilled workers.

In March, he tried hotels. He found a small hotel in a medium-sized city; the manager undertook to employ the boy as a general handyman, "just to try him out," at \$10.00 per week plus meals.

George was released to this job, on the consideration that he was a satisfactory parole risk, but unable to work at anything much better.

In May, George became a bell-hop. In June he learned to operate the elevator. In July he became elevator operator, earning \$22.00 per week, plus two meals a day.

Meantime he has, with the advice and supervision of his parole officer, established himself in a furnished room with a very decent family. He finds himself regarded as a friend of the family. He has his recreation with one of the sons of the landlady. And a local pastor has interested himself in the boy, and is even teaching him the rudiments of reading and writing and arithmetic. George has a minuscule bank account.

The unflagging efforts of the parole officer resulted in George's getting a job when he was hopeless; the placement was a wise one in that it took account of his meager talents; a decent home was found for him; he has developed some religious, recreational and educational interests. He may not stay out of trouble forever, but there is no reason why he should not. He is not a confirmed offender. And he knows he has some people interested in him.

Thomas C.

In times like these a man with special skills can get placed in employment suited to his talents, if he is willing to work.

Thomas C., at 50, was a parolee who was strictly a first offender. A bookkeeper, he had defrauded his employer, served a brief term, and been paroled (in 1941). He had been a sign painter, a cashier, and for eleven years, a bookkeeper, earning \$35.00 weekly.

Now, on parole, he worked on a job he had found for himself, obviously unsuited both to his age and his ability. He was earning \$14.00 a week as a clerk in a fruit and vegetable store. His duties included cleaning the produce, sweeping the floors and, occasionally, selling.

Within a month he gave up the job because he could not stand on his feet for any length of time. He began to receive public relief.

The parole officer referred him to the Employment Bureau and he was placed in several jobs at not very high wages and not requiring much skill. Finally, in April, 1942, the Employment Bureau found him work in a large plant which was engaged in important defense work. Although the parolee's record was made known, he was hired as a cost accountant at \$100.00 per month. He progressed, and now holds a more responsible position at a higher salary.

It should be said that the Division of Parole is extremely careful in referring men with histories of financial speculation to employment where a repetition could occur. Here, however, the parolee's record was revealed by Thomas C. himself—moreover he was a first offender. And furthermore, he handles no funds whatever at his present post.

Jack D.

In a period of great industrial activity, the Employment Bureau can do more than formerly, not only in fitting the job to the man, as in the case of Thomas C., but in finding employment which fits in better with the needs of the family situation.

Jack D., a young Negro from Florida, had never had much work, and when he did, it was as a dishwasher, a laborer, or garage attendant. Once, however, he demonstrated some ability as a cook and butler for a private family in the South. Then he went to prison in New York, for assault. Released in July, 1942, he had a job, secured by himself, as presser at forty-five cents an hour. This soon gave out.

Several days later the Employment Bureau placed him as a garage worker at \$20.00 per week. But the parolee and his wife and child lived in one small room in Harlem, while the place of employment was a considerable distance away, on Long Island. Moreover, the wife became ill, and had to resign her job, so that the family income was materially reduced. Jack was willing to remain at the job found for him, but he preferred something closer to home, so he could have more time to help keep the home, and something with more pay.

In November, 1942, the Employment Bureau found him employment in a large factory in New York City, where he was taught a particular operation, thus increasing his value. He began as a metal finisher at seventy cents an hour, was advanced to sprayer at eighty-four cents an hour plus overtime, and very recently was promoted to charge of his department, earning an average of \$50.00 per week.

He now earns a salary he never dreamed of getting, at a type of work he never knew he could do, in a plant close to home.

Harry E.

Harry E. had always been a steady worker. But when he was 20 years old he began to associate with a bad crowd. He still held on to good jobs for some years, nevertheless, but he began to take on the attitudes, argot and ideas of the underworld. He began to see himself as a "big shot." He wasn't going to work for "suckers' pay." At 26 he was arrested for robbery, but dismissed. The following year he came to prison for a robbery, unarmed. He worked hard in the institution, and, although of high enough intelligence to do white-collar work if he studied for it, he showed no interest, and instead preferred to do heavy labor or semi-skilled mechanical work. In the latter he picked up some skills in the institution.

Released in 1940, he worked for a building contractor, but was soon laid off. He found several more jobs ranging from \$15.00 to \$25.00 weekly, as a truck helper, gas station attendant and laborer. He worked hard, gave up no job, stuck to it as long as it was available, cut himself off from his old associates, and demonstrated a sincere interest in leading a law-abiding existence.

But, naturally, he wanted to better his condition, to earn enough to be able to marry and settle down. In January, 1942, the Employment Bureau found him just the type of job he wanted—hard manual labor involving considerable mechanical skill. He was placed with a very large concern where he was taught a particularly important skill needed today. In the past fifty weeks he has received a total of \$3,400.00.

Patsy F.

Patsy had always been a gardener. But when he was 34 years old he had a violent quarrel with his wife, and, while intoxicated and beside himself with passion, he gave her such a violent push she fell down a flight of stairs and sustained injuries resulting in her death. This was Patsy's only crime in his entire lifetime. He was convicted of murder, and made an exemplary prisoner. Years later, very materially aged by shock and prison life he appeared before the Parole Board for parole consideration. His children had deserted him. His community wanted no more of him. No one would help him.

The Parole Board voted to parole him if and when he found a home and work. Months passed, and he finally informed the Board he could do no more toward finding gainful employment. The Board asked the Employment Director to try to place the man.

One week later the Employment Bureau submitted a job offer. Patsy was to be a gardener again, at good pay, in a new locality, a new environment. He has held his job throughout the four months he has had it, is satisfied, and very probably, will continue on it indefinitely and without event.

It should not be assumed that these cases are typical of all persons for whom the Employment Bureau has found work. Good salaries and considerable freedom of choice were typical in 1942. But all persons under supervision, naturally, did not react favorably to the opportunities presented. Some persons already under supervision when employment was secured failed to develop necessary skills, or became distinterested, and were discharged. A few got into minor scrapes and preferred to leave. Still fewer had employment terminated by arrest. But the great majority have worked well and continuously.

Among inmate placements, some have not availed themselves of the jobs offered and have absconded immediately upon release. A few decided to go on one spree before settling down to civilian life, and found themselves in jail. But the majority took and have held the opportunity extended, and they are making satisfactory employees.

INVESTIGATIONS AND SUPERVISION DURING 1942

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The Correction Law specifically enumerates the information which the Board of Parole must have before it when considering the parole of an indeterminate sentence prisoner. This law provides that in considering the parole of such a prisoner, the Board of Parole must have before it a report of the warden as to the prisoner's conduct with a detailed statement of all infractions of prison rules and discipline and the punishments imposed; a statement as to the extent to which such prisoner has responded to the efforts made in prison to improve his mental and moral condition, and a statement of the prisoner's attitude toward society, toward the sentencing judge, district attorney and the policeman who arrested him, and how the prisoner regards both the crime for which he is in prison and his previous criminal career.

The Correction Law further provides that the Board of Parole shall have before it a report from the superintendent of prison industries, giving the prisoner's industrial record while in prison, with a recommendation as to the kind of work at which he is most likely to succeed when he leaves prison. Also, the Board must have before it the reports of any physical, mental, or psychiatric examinations that have been made. In addition to these reports, it has verified information obtained by parole officers, regarding the prisoner's personal history, including his early development, school period, youth, and his adult life, and information regarding the personal history of the members of his family, the attitude of the community toward the prisoner and his prospective home and future employment.

The major investigation reports made by parole officers relate to pre-classification and pre-parole reports, but in addition to these two types of investigations, there are at least six other types of investigations conducted by parole officers for various purposes. These, for administrative and statistical purposes, are defined within the Division, and entitled: Pre-applicant, supplementary pre-parole, partial pre-parole, residence and employment, supervision, and cooperative reports.

During the year a grand total of 12,284 investigations were completed, as classified and shown in the following table:

TYPE AND NUMBER OF INVESTIGATIONS COMPLETED BY THE
DISTRICT OFFICES DURING 1942

DISTRICT	Pre-applicant	Pre-classification	Pre-parole	Supplementary pre-parole	Partial pre-parole	Residence and employment	Supervision	Cooperative	Grand total of all investigations completed
New York. . .	91	417	1,015	377	517	4,153	445	383	7,398
Buffalo. . .	47	119	139	15	229	1,231	695	130	2,605
Albany. . . .	30	85	68	17	153	538	340	59	1,290
Out-of-State ..	7	2	17	40	475	450	.....	.....	991
TOTAL	175	623	1,239	449	1,374	6,372	1,480	572	12,284

In the conduct of these investigations, 26,349 visits were made, and 2,133 interviews were held other than in the field, a total of 28,482 contacts.

INVESTIGATION CONTACTS MADE BY DISTRICT OFFICES DURING 1942

DISTRICT	Visits	Interviews	Total investigation contacts
New York.	15,447	1,249	16,696
Buffalo	7,277	717	7,994
Albany	3,625	167	3,792
TOTAL	<u>26,349</u>	<u>2,133</u>	<u>28,482</u>

TABLE OF SUPERVISION AND INVESTIGATION CONTACTS MADE BY ALL DISTRICT OFFICES DURING 1942

DISTRICT	SUPERVISION					INVESTIGATION			
	Office inter-views with parolees	Office inter-views with others	Home visits	Employment visits	Other visits	Total supervision contacts	Visits	Inter-views	Total investigation contacts
New York	110,822	2,355	23,093	13,428	9,403	159,101	15,447	1,249	16,696
Buffalo	21,083	1,457	13,765	5,136	7,156	48,597	7,277	717	7,994
Albany	6,393	222	6,117	2,230	3,506	18,468	3,625	167	3,792
TOTAL	<u>138,298</u>	<u>4,034</u>	<u>42,975</u>	<u>20,794</u>	<u>20,065</u>	<u>226,166</u>	<u>26,349</u>	<u>2,133</u>	<u>28,482</u>

Excluding supervision contacts in Out-of-State, deportation, repatriation and warrant cases, and the cases of prisoners allowed to start serving new or additional sentences, in 1942, parole officers made a total of 226,166 supervision contacts. Included in this number are 138,298 office interviews with parolees, 4,034 office interviews with individuals interested in parolees, 42,975 home visits, 20,794 employment visits, and 20,065 other visits.

The following table shows the supervision contacts made by the parole officers, by district offices:

SUPERVISION CONTACTS MADE BY ALL DISTRICT OFFICES DURING 1942

DISTRICT	Office inter-views with parolees	Office inter-views with others	Home visits	Employment visits	Other visits	Total supervision contacts
New York.	110,822	2,355	23,093	13,428	9,403	159,101
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STUDIES IN PAROLE

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A COMPARISON OF PER CAPITA COSTS OF PAROLE SUPERVISION AND PENAL INCARCERATION

It has been some time since figures were published on the comparative per capita costs of parole and penal incarceration. An up-to-date statement would appear to be in order.

The Third Annual Report of the Division of Parole, 1932, pointed out that "the cost of an effective parole system which protects the community and affords an opportunity to the prisoner to adjust himself under direction and supervision to a free life in the community, is in comparison to the cost of the maintenance of a prisoner in the institution, a great saving to the State." That Report indicated that, limiting expenditures to the cost of institutional administration and for the maintenance of prisoners in the institutions over which the Board of Parole has jurisdiction in the paroling of prisoners, the estimated yearly per capita cost for the confinement of a prisoner was \$435.19. The average annual per capita cost of making a pre-parole investigation and supervising a prisoner on parole in 1932 was \$46.81. In other words, it cost almost ten times as much to keep a prisoner in an institution as it did to select and supervise him on parole.

The Third Annual Report pointed to other considerations worthy of attention. "The direct savings effected by the use of parole is not limited to the cost of maintenance of the individual in a prison or reformatory, or the fact that the use of parole makes it unnecessary for the State to expend millions of dollars for the erection of institutions to house the prisoners who are now on parole. For it cannot be overlooked that the removal of a convicted offender from the community frequently makes it necessary for the wife and dependents . . . to appeal to . . . charitable agencies for the necessities of life."

To be sure, this manner of regarding the question of comparative costs has heretofore taken little cognizance of an important consideration, that is, the unmeasurable cost, not to parole *administration*, but to society, when a given number of released offenders revert to crime, fortunately a very low percentage. Property losses entailed cannot, of course, be subjected to any valid estimate. And, in the rare instance where a human being is jeopardized, injured, or killed, who can translate into monetary terms the cost of such actions?

Nevertheless, provided the reader keeps this consideration in mind, it is quite valid to compare, as has been done, the cost of *administering* penal care with the cost of *administering* parole.

In 1934, the Fifth Annual Report of the Division of Parole, while giving no revised estimate on the cost of institutional care, gave the average cost of selecting, investigating and supervising a parolee for a year as \$49.11. In 1935 the estimate was \$55.87. In 1936 it was \$56.74. In the Eighth Annual Report, 1937, the average annual per capita cost was \$63.87. This was the last approximation given to date.

The gradual upward trend from year to year is to be explained in the fact that the New York State Division of Parole was newly created in 1930, that it needed to build slowly, and that year by year, increases in staff and equipment were necessary and resulted in more intensive supervision and treatment, as well as in selection of inmates based upon more thorough field investigation.

On January 1, 1942, there were 8,509 individuals under the supervision of the Board of Parole, that is, excluding persons paroled to start serving new or additional sentences.

During the year, 3,563 additional individuals were released from the institutions, and 99 persons who had been declared delinquent were restored to parole status by cancellation of their delinquencies. The grand total of those added to supervision was, therefore, 3,662.

These 3,662 were released throughout the year. It may, therefore, be assumed that the average period of supervision during 1942 was one-half year for each of the total, or the equivalent of 1,831 supervision years for the entire group.

During the same year, and again excluding those who had been paroled to start serving new or additional sentences, 3,202 individuals were removed from supervision because of the expiration of maximum term, death, or declaration of delinquency. Due to the fact that these removals from supervision were distributed throughout the year, the assumption is made that each of these persons was under supervision for half a year. The total removals for the entire 3,202 was, therefore, 1,601 supervision years.

By adding 1,831 to the 8,509 individuals under supervision on January 1, 1942, and deducting the 1,601 individuals removed during the year, the number of parolees under supervision for the entire year becomes 8,739.

The appropriations granted by the Legislature are for the fiscal year which extends from July 1 to June 30. To obtain the expenditures for the calendar year, it is necessary to take one-half of the combined expenditures for the two fiscal years (1941 and 1942) within which the calendar year is included. Computed in this manner, the estimated expenditures for the calendar year of 1942 were \$620,490. But this sum includes at least \$12,000 expended by the Division in connection with investigations of applicants for executive clemency.

The net estimated expenditures during 1942 therefore, becomes \$608,490. Dividing this sum by 8,739, the number of parolees under supervision for the entire year, it is found that the average cost of conducting all the investigations and holding all interviews and selecting parolees for release and maintaining supervision over them was \$69.63 per parolee under supervision.

In addition to the reasons already given for the gradual increase in cost, another which pertains to this later period is the system of automatic salary increments, resulting, State-wide, from the Feld-Hamilton career law.

The most recent comparable figures that could be secured for the cost of penal administration were for the fiscal year ending June 30, 1942.*

The average per capita cost for all the institutions under the jurisdiction of the State Department of Correction was \$640.26.

But this figure includes institutions not under the paroling jurisdiction of the Board of Parole.

The average per capita cost for the five maximum security prisons, Attica, Auburn, Clinton, Great Meadow and Sing Sing (all under the paroling jurisdiction of the Board of Parole), was \$550.00. This figure includes only personal service and general maintenance, not capital outlay.

The Board of Parole has paroling jurisdiction over two other institutions not included in the above estimate. The Women's Prison at Westfield State Farm was not included because its budget is combined with the Reformatory attached to it, over which the Board of Parole has no paroling jurisdiction.

The per capita cost of incarceration in the two institutions for the fiscal year ending June 30, 1942, had been \$1,042.21. The New York State Reformatory at Elmira, with a per capita cost of \$554.13 had not been included by the Department of Correction in the general figure furnished.

The lowest figure that could be used, therefore, as the most conservative estimate of annual per capita cost of penal incarceration, is \$550.00, (excluding the Women's Prison at Westfield State Farm and the Elmira Reformatory). While not entirely accurate because of the exclusions, this is nevertheless a close estimate, and the conservative one.

As an approximation then, it can be said that recent figures indicate that parole administration costs \$69.63 per annum per capita, while penal incarceration costs \$550.00 per annum per capita. Incarceration costs the state a little less than eight times as much per person as does parole administration, that is, the investigation, selection, supervision and treatment of released offenders deemed satisfactory risks in society.

These figures are not offered as an argument that parole is more effective than prisons and reformatories, or vice versa. They cannot be construed as an argument for more and more releases to parole supervision, for other factors enter in here besides cost alone. Indiscriminate and injudicious releases, based exclusively upon the consideration of savings to the State would be deceiving, for, as has been pointed out, the released offender who reverts to crime costs the State and human beings much more than simply the money involved in parole administration. The Parole Board, selecting cases for release as it does, on the basis of very careful study, may be saving the State money in some instances by *not* voting to parole a given individual.

The comparison cited therefore, should be taken for only what it purports to show.—simply and exclusively that it costs much

* Furnished by the State Department of Correction.

less to supervise the *satisfactory* released offender than it would to keep *that same person* in a penal institution. It also goes without saying that if penal programs are achieving the progressive goals set by the State's Department of Correction, a number of erstwhile offenders become satisfactory parole risks through the effectiveness of that penal program, whatever its cost.

SOME TRENDS IN PAROLE AND ITS ADMINISTRATION

The war has had its effects on every conceivable aspect of life. It has had, and is going to have, very definite effects upon parole operation. It would, therefore, seem appropriate this year to record trends in parole up to this point. Making such a study at this time will serve two purposes. It will record the development of parole administration in New York up to now, before too many war-time changes have occurred. And it will make it clearer, by comparison, what changes are and will hereafter be attributable to war conditions.

The reader perusing any single Annual Report of the Division of Parole gets information relating almost exclusively to that year's work. He is not made aware of trends, shifts of interest, rise and fall of parole population, etc., unless he chooses to study preceeding Annual Reports and to define the trends for himself. It will be attempted, in this analysis, to do this for the reader, by bringing together in one place, at one time, the year to year data on subjects covered annually in the Reports.

Taking a given subject, all previous Annual Reports have been consulted, and the appropriate data compiled for the period 1931 through 1942. Unfortunately, comparable data has not always been kept on given subjects for the full twelve year span. The compilations to be given begin with the earliest year when comparable data became available and continued to be given from that year to and through 1942. As a result, data on one subject may begin with 1931 figures. On another, 1933, let us say, may be the beginning year. The reader may validly assume that where data on a given subject does not begin with 1931, comparable data was not recorded in the Report at that time, and did not begin being recorded until the first year used in the compilation.

Most of the material used in this analysis is taken from Annual Reports of the Division of Parole. A very small part of it has been compiled from other, equally valid, sources within the Division of Parole.

Organization of Staff

When the present Division of Parole was created in July, 1930, it was necessary immediately to build a staff. In the six months of 1930 after June 30, this consisted of the three members of the Board of Parole, an Executive Director, a Chief Parole Officer, an Employment Director, three Case Supervisors and forty Parole Officers, plus some clerical and stenographic service.

Year by year, with some exceptions, the staff grew. Clerical, Parole Officer, and supervisory staff increased from 105 in 1932 to 219 in 1942. Naturally, this has increased the effectiveness of supervision, the quality of pre-parole investigations, and the selective process through making more and better information available to the Board of Parole.

The table below shows the Parole Officer staff, 1932 through 1942. This excludes supervisory, administrative, clerical and stenographic personnel. Under the general title of Parole Officer, however, are included two Parole Employment Officers, until 1941, when there were three such officers included in the figure.

PAROLE OFFICER STAFF, 1932 THROUGH 1942

YEAR	PAROLE OFFICERS
1932.. . . .	64
1933... ..	64
1934... ..	72
1935.....	72
1936... ..	88
1937.....	92
1938... ..	99
1939.....	89
1940.....	95
1941.....	97
1942.....	96

The increase, year by year has been relatively steady. As between 1932 and 1942, the increase is 32. The decrease in 1939 was due to job items removed from the budget as part of a State-wide policy applying to all State agencies. The one other decrease, in 1942, was due to the removal of a Parole Officer item from the budget, such item never having been filled originally. It had been appropriated in anticipation of the need for an Institutional Parole Officer when Greenhaven Prison would have been opened. With the recent decrease in prison population, and the war, this Prison was not opened, and the Parole Officer item became unnecessary.

The quality of parole supervision and treatment is, of course, closely correlated with the size of the field staff. The Division of Parole has been well treated in this regard, although even now, per capita case loads are high and above the maximum of 75 prescribed by law.

Social Statistics

What sort of individual has the Division of Parole been dealing with over the years? Of individuals released to supervision, what characteristics can be noted as significant to treatment?

Sex

First of all, the releases have been predominately male. This does not mean the Parole Board holds females in institutions more than males. There simply are fewer women than men in State correctional institutions under the paroling jurisdiction of the Board of Parole.

The table below shows the distribution, by sex, of persons released to supervision, either by action of the Parole Board, or by statutory commutation of sentence after service of a definite term.

DISTRIBUTION BY SEX OF PERSONS RELEASED UNDER JURISDICTION
OF THE BOARD OF PAROLE, 1935-1942

YEAR OF RELEASE	INDETERMINATE SENTENCE CASES Per cent of Releases		DEFINITE SENTENCE CASES Per cent of Releases	
	Male	Female	Male	Female
1935..	98 3	1.7	99 1	0 9
1936 ..	97 4	2 6	99 2	0 8
1937...	98 4	1 6	99 0	1 0
1938.	98 1	1 9	98 9	1.1
1939..	97 1	2.9	99 4	0 6
1940..	97 3	2 7	99 7	0 3
1941 .	97 6	2 4	99 9	0 1
1942... . .	97 9	2 1	100 0	0 0

In no year was the proportion of indeterminate sentence releases as high as 3.0 per cent for females. Among definite sentence cases it never was greater than 1.1 per cent.

Age

The largest single age group among indeterminate sentence releases each year is given below, with the per cent of the total releases for the given year falling within the category.

LARGEST SINGLE AGE GROUP OF INDETERMINATE SENTENCE
RELEASES, 1934-1942

YEAR OF RELEASE	Age Group	Per cent of Releases
1934.	21-25	29 9
1935 .. .	21-25	32.4
1936 .. .	21-25	30.5
1937 .. .	21-25	32.6
1938 .. .	21-25	30.7
1939 .. .	21-25	30.9
1940 .. .	21-25	29.6
1941 .. .	21-25	27.9
1942 .. .	21-25	25 1
	26-30	25.1

Except in 1942, the largest single age group each year was 21-25 years. In 1942, that category and the 26-30 year group had an equal proportion, probably due in part to the large number of releases of "holdover cases," individuals voted parole if and when they secured employment, held for periods of time because they had no employment offers, and released in 1942 because of the accelerated industrial situation. Having been held in previous years, they did not appear among release tabulations of those years, and show up in 1942, that much older.

In any event, it is clear that the Division of Parole, in the indeterminate sentence case, is dealing with a very significant proportion—the majority, in fact, when one studies all age groups—of younger men. Their problems will be those of the young man out of adolescence and not yet in mature adulthood, in many cases.

Among definite sentence releases, we would expect a higher median age since, these, all being persons previously convicted

of at least one felony, and almost always serving a term for such earlier conviction, would naturally be older than indeterminate sentence cases by the time of their automatic statutory release.

LARGEST SINGLE AGE GROUP OF DEFINITE SENTENCE RELEASES, 1934-1942

YEAR OF RELEASE	Age Group	Per cent of Releases
1934.	26-30	24 1
1935.	31-35	21 5
1936.	31-35	25 1
1937.	31-35	24 4
1938.	26-30	23 6
1939.	26-30	25 7
1940.	26-30	25 5
1941.	31-35	27.8
1942.	36-40	25 1

There is less consistency among definite sentence cases than among indeterminate sentence releases. The 26-30 year group is represented four times, and so is the 31-35 year group. Only in 1942 do we get a different age group, 36-40 years. Since definite sentence prisoners are released exclusively by statutory diminution of sentence, the action of the Parole Board does not enter into the situation at all, and the age at release would be dependent upon such factors as: the sentence, number of previous sentences, age of the beginning of the criminal pattern, etc.

The definite sentence prisoners released over the years, have been proportionately from among age groups above those of the majority of indeterminate sentence prisoners. But the largest single age group has never been above 40.

Color

The majority of the releases, indeterminate and definite sentence cases, have been white. But there has been a large enough percentage of Negroes to justify study by the Division of Parole of the special problems and needs of Negro men and women under supervision.

COLOR OF THE PERSONS RELEASED UNDER JURISDICTION OF THE BOARD OF PAROLE, 1934-1942 — INDETERMINATE AND DEFINITE SENTENCE CASES

YEAR OF RELEASE	INDETERMINATE SENTENCE CASES Per cent of Releases			DEFINITE SENTENCE CASES Per cent of Releases		
	White	Negro	Other	White	Negro	Other
1934.. . . .	85 0	14 0	1 0	82 2	17 5	0.3
1935.. . . .	84.2	15 3	0 5	82 9	16.4	0 7
1936.	83 5	16 3	0 2	84 0	15 4	0.6
1937.. . . .	81 9	17 7	0 4	78 3	21 6	0.1
1938.	82 0	17 3	0 7	83 9	15 5	0 6
1939.. . . .	81 9	17 7	0 4	84 0	15 8	0.2
1940.	79.8	19 1	1.1	84 0	16 0	0 0
1941.	80 6	19 2	0 2	84 4	15 2	0 4
1942.	72 5	27 0	0 5	82 5	16 6	0 9

Usually well over eighty per cent of releases, both indeterminate and definite sentence cases, were white. The Negro percentage was as low, among indeterminate sentence cases, as 14.0 per cent, in 1934, and as high as 27.0 per cent, in 1942. Among definite sentence releases, the lowest percentage of Negroes was in 1941, 15.2 per cent. The highest proportion was in 1937, 21.6 per cent.

Education

Annual Reports have regularly, since 1936, pointed to the fact that individuals released to supervision do not represent great achievement educationally. A proportion never attended school. A large number never reached the sixth grade. Very few, on a proportionate basis, went beyond an elementary school education.

The table below gives, for indeterminate and definite sentence cases, released during given years, the per cent who had no more than an elementary school education at the most. Of these, of course, many had less than an eighth grade education.

INDETERMINATE AND DEFINITE SENTENCE RELEASES WITH AN ELEMENTARY SCHOOL EDUCATION OR LESS

YEAR OF RELEASE	INDETERMINATE SENTENCE	DEFINITE SENTENCE
	RELEASES Per cent	RELEASES Per cent
1936	75 6	80 6
1937	73 0	72.7
1938	72 2	78 6
1939	68.0	77.4
1940	66 0	80.5
1941	65.7	77.4
1942	69.0	81.9

It appears that, roughly sixty-five to eighty-two per cent of releases in any given year have had no more than elementary school education, and of these, many have not completed even that.

Broken Homes

To what extent broken homes contribute to the pattern of delinquency and criminality has never been clearly and comprehensively established by competent criminological research. Logically, one feels that death of a parent, or separation or divorce, would create trauma and family disorganization leading to instability and delinquency on the part of children. This might be the beginning of a delinquent career which continues and later develops into adult criminality. But while this appears reasonable, it has not been established as clearly as this on the basis of available data.

What has been established, however, is that in almost every criminal or delinquent group studied, there has been a higher incidence of early broken homes than in the general population. The factor of broken homes among offenders takes on a significance as a result, even if the full meaning of the factor is not known.

Among persons released to supervision, both definite and indeterminate sentence prisoners, the incidence of homes broken before the sixteenth birthday of the offender has always been high. These homes were broken by death of a parent, divorce, separation, desertion, illegitimacy of birth, and conditions which made parentage unknown to the offender.

The table below gives, year by year, among all persons released to supervision, the per cent whose homes were broken before the individuals concerned had attained their sixteenth birthday.

INDETERMINATE AND DEFINITE SENTENCE RELEASES WHOSE HOMES
WERE BROKEN PRIOR TO THEIR SIXTEENTH BIRTHDAY 1936-1942

YEAR OF RELEASE	INDETERMINATE SENTENCE	DEFINITE SENTENCE
	RELEASES Per cent	RELEASES Per cent
1936	37 0	38 2
1937	38 8	41 9
1938	40 9	41 1
1939	42 0	42 0
1940.. . . .	43.1	42 8
1941...	45 0	43.7
1942	50 7	48 0

Among indeterminate sentence cases, the lowest per cent of broken homes was 37.0, in 1936. The highest was 50.7 in 1942. Among definite sentence releases, 38.2 per cent was the lowest, in 1936, and 48.0 per cent the highest, in 1942.

Marital Status

Are persons released to supervision predominately family men? Are they married, with the responsibilities, stability or tensions in their individual situations that attach to married life? Are they principally single?

Statistics on this subject have been carried in the Annual Reports on a comparable basis since 1936. Each year the Reports showed the number and per cent of persons released that year who were single, married, married but separated, widowed, divorced, or living in meretricious relationships. The marital condition, of course, pertained to its status at the point of release from the institution.

Predominately such released cases were single.

The table on this subject shows, for indeterminate and definite sentence cases released to supervision in given years, the per cent who were single. The rest, not shown, were, of course, distributed among the other classifications of marital status listed above.

MARITAL STATUS OF INDETERMINATE AND DEFINITE SENTENCE CASES
RELEASED TO SUPERVISION 1936-1942—PER CENT WHO WERE
SINGLE

YEAR OF RELEASE	INDETERMINATE SENTENCE	DEFINITE SENTENCE
	RELEASES Per cent	RELEASES Per cent
1936..	66 6	51.0
1937 .	60 9	43.0
1938	60 8	52 5
1939	61 8	56 6
1940	58 1	60 8
1941	55 8	46 7
1942	55 2	50.2

With few exceptions, the releases in any given year show that well over fifty per cent were single. A smaller proportion of definite sentence persons were single, as contrasted with indeterminate sentence prisoners, as would be expected, since the former are, as a group, older than the latter.

This table is significant for parole case treatment, for it indicates that the supervision case load will be comprised of a majority of individuals who are single, sometimes unattached even to homes with parents, and always necessarily dependent upon persons other than spouses and children to supply the satisfactions, recreation, guidance, stimulation, responsibilities and stabilizing influences of life.

Known Previous Arrests

It is not true, as many believe, that a person serving his first felony sentence is necessarily one who has never been arrested before. He may have been arrested many times before, but not convicted, or the case adjudicated in some other manner in accordance with law. He may have been convicted of misdemeanors and even have served sentences for such. While an arrest without conviction need not always indicate presumption of guilty intent, or even socially unacceptable behavior, the fact is that the thoroughly law-abiding citizen usually goes through an entire lifetime without an arrest. On the other hand, the criminally inclined person frequently gets himself arrested a number of times before he is finally convicted for the first time of a felony. Hence the meaning inherent in an analysis of criminal arrest background of individuals who eventually come under parole supervision.

Among persons released to supervision each year, naturally every definite sentence prisoner would have had at least one previous arrest, for he had had at least one prior felony conviction. But what about the indeterminate sentence prisoner? Was his felony conviction his first brush with the law? And, among definite sentence cases, too, how extensive is the criminal record?

The table following shows, for both type cases, of persons released each year to supervision, the per cent who have a record of *more than three* prior arrests. This number was chosen so as to make some allowances for accidents of fate and circumstances.

KNOWN PREVIOUS ARRESTS OF INDETERMINATE AND DEFINITE SENTENCE CASES RELEASED TO SUPERVISION 1936-1942—NUMBER HAVING MORE THAN THREE PREVIOUS ARRESTS

YEAR OF RELEASE	INDETERMINATE SENTENCE	DEFINITE SENTENCE
	RELEASES Per cent	RELEASES Per cent
1936.	23.9	57.6
1937.	24.6	58.8
1938.	19.8	55.7
1939.	20.6	56.4
1940.	25.9	57.9
1941.	30.9	52.2
1942.	36.7	60.1

It was to be expected that definite sentence prisoners would have a higher incidence of prior arrests exceeding three than do indeterminate sentence releases, for the former have had time to have a more extensive arrest record, being older; also, they have at least two felony convictions against their records, where indeterminate sentence prisoners usually do not.

Through the years, the spread of definite sentence releases who have had more than three prior arrests has been from 52.2 per cent (in 1941) to 60.1 per cent (1942).

Among indeterminate sentence releases, the spread was from 19.8 per cent (in 1938) to 36.7 per cent (1942).

It is clear, then, that by no means is a Parole Board, or a Parole Officer, in dealing with a person under supervision always or nearly always treating with an individual entirely untouched by prior criminal arrests.

The table following gives, for indeterminate sentence releases, the per cent who had no known previous arrests. For definite sentence releases, of course, no table is necessary since one hundred per cent have not only been arrested before, but convicted of at least one previous felony.

INDETERMINATE SENTENCE PRISONERS RELEASED TO SUPERVISION
1936-1942 WHO HAVE NO KNOWN PREVIOUS ARRESTS

YEAR OF RELEASE	Per cent of Releases
1936.	33.4
1937.	28.9
1938.	30.5
1939.	30.2
1940.	25.4
1941.	21.6
1942.	18.7

The spread was from 18.7 per cent (in 1942) to 33.4 per cent (1936). Very roughly, about the same proportion were released each year with no previous arrests as were paroled on indeterminate sentences with more than three prior arrests.

Length of Institutional Treatment

Have the individuals released to supervision year to year served relatively long or short periods of incarceration? Whether institutional treatment has been constructive or not does not enter into this question. All that can be determined from the table below is the median period of incarceration of indeterminate and definite sentence prisoners released to supervision. What use was made by the inmate of such a period of incarceration, or how it affected him cannot, of course, easily be ascertained. But at least this much is reasonably certain: the longer the period of intramural segregation, the longer the exposure to a milieu that can never be entirely normal.

MEDIAN PERIODS OF INCARCERATION FOR INDETERMINATE AND DEFINITE SENTENCE CASES RELEASED TO SUPERVISION 1932-1942

YEAR OF RELEASE	INDETERMINATE SENTENCE CASES		DEFINITE SENTENCE CASES
	Elmira Months	Prison Months	
1932	16	25	47
1933	16	21½	47½
1934	18	25¼	58
1935	20	25¼	48
1936	21	31	48
1937	21	33½	46
1938	21	31¼	67
1939	21	36	75
1940	20	36	79
1941	22	40	80
1942	25	41	90

Among indeterminate sentence cases the table was broken down by prison and Elmira persons, because in the former the minimum eligibility date for parole consideration is the minimum of the sentence less time off for good behavior and work willingly performed as specifically allowed by law; while in the latter, the minimum sentence is established by institutional officials after the inmates' reception, and, by practice, is usually far below that set by law for prison cases.

Several factors affect the median period of incarceration of indeterminate sentence prison cases, among them: the legal minimum sentence that must be served before eligibility for parole; hence, the number, in a given year sentenced to long, moderate or short minimum sentences; prison conduct; backgrounds of the inmates, affecting the decision of the Parole Board as to release or retention in the institution; availability of a parole program; etc.

Elmira inmates are subject to about the same conditions, except that the minimum sentence is established by an institutional committee, not fixed by law.

But definite sentence prisoners are affected by only one consideration, the sentence. Having served the fixed sentence, less time off

granted by statute for good behavior and work willingly performed, the inmate must be released, and the Parole Board has nothing to do with the question of release. The median period of incarceration, therefore, of definite sentence prisoners would be affected in any given year by the number completing in that year relatively long, moderate or short fixed sentences.

The table above shows that the definite sentence prisoner, by the time of his release, has served longer in prison than the indeterminate sentence case. The trend has shifted from year to year, but the general tendency has been upward for the definite sentence case, so that whereas in earlier years the median period of incarceration has been, in months, in the forties and fifties, it entered the sixties in 1938, went to 75 and 79 months respectively in 1939 and 1940, mounted to 80 months in 1941, and to 90 months in 1942. This indicates greater severity of sentences to persons who had completed those sentences by 1938 or later, as compared with those completing definite sentences prior to 1938.

Indeterminate sentence prison cases had a higher median period of incarceration than did Elmira cases, but lower than definite sentence cases. The spread was from 21½ months in 1933 to 41 months in 1942, with the trend being upward in succeeding years. Aside from the variables mentioned earlier one reason for this would be that, as staff grew, more meaningful preparole reports were being prepared for the attention of the Board and greater and more efficient selectivity resulted. But probably, again, the nature of the sentences meted out to the persons concerned played an important role. The table does not, of course, show what proportion of the individuals concerned served beyond their minimum eligibility dates, and how far beyond them.

Elmira releases had served a median period of incarceration ranging from 16 in 1932 to 25 in 1942. The trend is generally upward over the years.

Duration of Period of Supervision

The median period of supervision for prisoners released from 1932 through 1942 is given below. This period is the difference between the time spent in incarceration and the maximum sentence. While in indeterminate sentence prison cases and in definite sentence cases the courts are allowed limited discretion as to the length of the maximum sentence, this is not true in Elmira commitments. Here the maximum sentence must be the maximum prescribed by the Penal Law for the particular offense. Hence Elmira maxima are greater than those for other prisoners. Since the longer the maximum sentence the longer the period under supervision is likely to be; since Elmira minima are lower than prison minima; it is to be expected the Elmira release will have the highest median period of supervision after release.

**MEDIAN PERIOD OF SUPERVISION OF INDETERMINATE AND DEFINITE
SENTENCE CASES RELEASED TO SUPERVISION 1932-1942**

YEAR OF RELEASE	INDETERMINATE SENTENCE		DEFINITE SENTENCE Months
	Elmira Months	Prisons Months	
1932	48	38½	12
1933	85	41	15
1934	85	44¾	26½
1935	51	39	24
1936..	62	40	21
1937	84	42½	21
1938	96	39	24
1939.	94	39	27
1940	90	38	37½
1941.	72	40	38
1942	69½	39	39

Reading the table across, we see that, with few exceptions, the definite sentence release had the briefest supervision period, the indeterminate sentence prison case a longer one, but shorter than that of the Elmira case, which was longest. For instance, in 1932, the definite sentence release would be under supervision a year, the indeterminate sentence prison case 3 years, 2½ months, and the Elmira case 4 years. In 1942, for the first time, both indeterminate sentence prison cases and definite sentence cases had the same median period to be under supervision, 3 years, 3 months; the Elmira cases had a median supervision period of 5 years, 9½ months.

Reading downward, the Elmira cases show no fixed trend, the spread being from 48 months in 1932 to 96 months in 1938. The indeterminate sentence prison cases have no fixed trend either, the spread being from 38 months (1940) to 44¾ months (1934). Definite sentence cases varied too, from year to year, but beginning in 1940 the trend is upward.

Resume of Social Statistics

From all of the foregoing it is safe to make some generalizations as to the type individual with whom the Board of Parole deals in selecting for parole, and supervising after parole or statutory commutation of sentence.

Releases are predominately male, white, and young. An appreciable number, however, are Negro. Definite sentence persons tend to be older than indeterminate sentence cases. The group is largely poorly educated. The incidence of homes broken before the sixteenth birthday of the offender is high. The majority of persons released to supervision are single. But few, comparatively, have had no previous arrests. They have been incarcerated anywhere from 16 months to 7½ years, as median figures. If they do not recidivate, they have median supervision periods after release of from a year to as much as eight years.

The picture presented is both discouraging and challenging. On the one hand is the fact that the material of parole supervision and

treatment—the releasee—is a product of unstable or interrupted family life; that he has little educationally to start him on a lifetime career or occupation lending security; that he has already had more than one brush with the law and may have established the beginning of a long-time criminal pattern; that he has had the influence, (which may well be both good and bad), and the shock of penal incarceration. These, at first blush, may seem discouraging factors.

But they are also challenging factors. Add to them that the releasee is young, that he has a considerable period of time to be under supervision, and the challenge is implicit if not explicit: If parole theory and practice are sound, we should attempt, through treatment, to help bring about readjustments and stability on the part of these very individuals. The accidental offender who is well educated, the product of a good home environment, a real first offender never arrested before,—he needs parole less than the group described above.

Trends in Orientations to Parole Work

“If there is one outstanding trend in parole today it is the acceptance and the putting into practice of the techniques of social case work.”*

Commissioner Frederick A. Moran, in making this statement, was speaking not alone about New York State, but the country. And while not reducible to a statistical datum, the trend in thinking within the Division of Parole has been definite and clearly definable.

“Parole is and must remain an authoritarian social agency. This is not stated apologetically but merely the enunciation of a fact.”** This statement, made in 1940, grew out of years of experience and reorientations.

When the present Division of Parole was created two premises were definitely and fully accepted by the Board of Parole and its staff: (1) That parole work was case work; that, incomplete as it was, knowledge of human motivation and re-conditioning of behavior came about through sound case work procedures; (2) that parole also was law enforcement work, the protection of the community against the potential recidivist.

Thus, the Division of Parole, in 1930, stood definitely for case work service *in the interest of* the individual, and law enforcement and community protection *even as opposed to* the individual. Which had priority, which more important, was not clear, or even very consciously thought about. Parole was simply case work in an authoritarian agency in an era when other, private, social agencies were questioning whether an authoritarian agency *could* be a case work agency at the same time.

* Moran, Frederick A, *Trends in Parole*, Publication of the Executive Department, Division of Parole, 1940, p. 7.

** *Ibid.*, p. 7.

Gradually there emerged some crystallizations out of experience, and the thinking was about as follows: (1) While we must be defensive about it, in view of the bad repute of authority among social agencies, parole *is* both an authoritarian and a case work agency,—and the two can operate in one setting. (2) The first responsibility of a parole agency, primary in importance and sequence, is to the community, its protection. Second and secondary is the service to, aid to, and treatment of, the individual parolee. This does not mean we are less interested in the second function than in the first but only that as a public agency with law enforcement responsibilities we must recognize the primacy of the first.

This orientation appeared satisfying for a time, during which social work shifted its emphasis in some important respects; manipulative case work procedures were legitimized again; case workers ceased being therapists and reverted to being case workers, in assisting roles to therapists; field investigation and collateral visits again became helpful, even necessary at times; service and function were re-examined;—and authority as a phenomenon in case work not only was allowed to raise its shamed head, but now was taken for granted and required no excuses. Authority was redefined, to be sure, and differences established as between the authority of the reality situation and the mere arbitrary and capricious authoritarian *attitude*. But a sounder, and, it is believed, a more effective case work has emerged and functioned in more recent years as a result of these changes in emphasis and philosophy. And case work agencies with an authoritarian function are able better now to define their area of work and their over-all philosophy.

Thus emerged the third major orientation in parole in New York State, which might be expressed about as follows: (1) Parole is case work. (2) The case work operations of an agency are defined by its functions, and just as often delimited by those functions. (3) Parole case work's function is to protect society and to aid the released offender. (4) Should there be an immediate conflict between the two functions, there can be no question as to primacy,—the issue must be decided in favor of society. (5) But from any fundamental, long-term point of view, there is no dichotomy, no mutually exclusive dual roles, no conflict. For adjustment of the individual benefits not him alone, but society as well. Hence, if we can so aid in bringing about on the part, and with the desire, of the parolee an adjustment to environment and self so that the parolee no longer *wants* to be other than law-abiding, we are protecting and benefiting both the parolee *and* society. And that should be the ultimate aim of parole case work. But this in no way detracts from the immediate necessity to revoke parole in the interest of the immediate needs of society, no matter what the course of treatment, when a given parolee becomes potentially a menace.

Now the interesting thing about this orientation, today part of the philosophy of parole in this State, is that it is accepted much

more by competent social workers than it is by others who might be called laymen. Some persons hold to the theory, once a criminal always a criminal, and the sooner exterminated the better. Others opine that the offender is sinned against, more than sinning, and kindness, sympathy, are the remedies for his ills. While no one would quarrel with this *per se*, the fact is the adherents of this school of thought often confuse sympathetic *understanding* with sentimentality, and are inclined to be unobjective and unrealistic, harming where they sincerely want to help. With a few words picked up from the lexicon of social work they assume, sincerely but naively, they have become case workers, and step in where Rankians fear to tread.

The tug of war among laymen interested in the offender seems to be between adherents of the tear gas and tear duct schools of thought. Parole in this State belongs in neither camp, but likes to think it is part of a realistic school of thought which holds that some people can and will change, others will not. Some people need incarceration—or incarceration needs them—others can safely be trusted in society again. Some people need sympathy, some are hurt by it. Some need material help, others are crippled by it. And society has a stake in parole operation, and society comes first, for there is no individual, only an *individual in society*.

And above all else, the thinking in the Division of Parole today is that, in common with sane, competent case work thinking everywhere, we believe the attack on the problem of readjustment of people to and in society will be most effectively carried forward by objective, professional, realistic and as scientific as possible means.

Work of the Board of Parole

Total Number of Hearings

Each month, the three members of the Board of Parole, acting as the Board of Parole, hold three types of hearings at the institutions over which the Board has parole jurisdiction.

The first type of hearing deals with indeterminate sentence prisoners, who have served their minimum sentences and with allowances for good time, and jail time, appear for parole consideration; and with definite sentence prisoners, who are eligible for release.

The second type of hearing is for indeterminate sentence prisoners who have violated the conditions of their parole, and definite sentence prisoners who have violated the conditions of their supervision, who have been returned as violators, have already served a further period of incarceration, and are again eligible for consideration for release under supervision.

The third type of hearing is limited to those indeterminate sentence prisoners who have violated the conditions of their parole, and those definite sentence prisoners who have violated the conditions of their supervision, and have recently been returned to the institutions for violation. The Correction Law provides that as

soon as practicable, after the return of a violator, the Board of Parole must consider the cases of violators, and may, if it sees fit, require the violator to serve the balance of the maximum term or any part of it.

The number of hearings conducted by the Board varies because of many factors, among them: rise or fall in prison population; rise or fall in number of persons returned for violation of parole; changes in median lengths of minimum sentences; increases or decreases in number of reappearances of inmates after the initial hearing, due to need for further investigation, difficulty in securing parole programs, etc.; increases or decreases in number of persons not paroled at first appearance, hence scheduled for an additional appearance, or even more; etc.

The table following shows the total number of hearings conducted each year, beginning with 1936, by the Board of Parole. The figures include both indeterminate and definite sentence cases.

TOTAL NUMBER OF HEARINGS CONDUCTED BY THE BOARD OF PAROLE

YEAR	HEARINGS
1936..	5,981
1937.	6,374
1938.	6,648
1939	6,812
1940	7,743
1941	8,498
1942	7,504

The trend is clear and easily interpreted. Hearings increased steadily and markedly between 1936 and 1941. By the latter year the Board held 2,517 more hearings than it had held in 1936. Thus the work of the Board increased very decidedly. In 1942 there was a swing downward, a decrease of 994 over 1941, yet still 1,523 above the 1936 figure. In large measure the decrease was due to the fact that as jobs became plentiful in 1942 more inmates who were good parole risks had employment offers at their initial appearance, hence were not held for reappearances. Further, many "holdover cases," held in institutions solely because they had no employment, suddenly found work, were released, and did not have to appear again and again.

Initial Appearance

The table below shows, of indeterminate sentence inmates making their initial appearance before the Board of Parole, at their earliest eligibility date, the per cent who were granted parole at that hearing.

PAROLES GRANTED AT INITIAL APPEARANCES 1933-1942

YEAR	Per cent Granted
1933	68 2
1934	59 7
1935	47 7
1936	42 5
1937	36 1
1938	30 5
1939	28 5
1940	28 3
1941	25 2
1942	28 3

Reasons for withholding parole are not given in these data, hence all that can be said regarding this table is that the per cent of indeterminate sentence inmates granted parole at initial appearance declined steadily from 68.2 per cent in 1933 to 25.2 per cent in 1941, then went up to 28.3 per cent in 1942 (probably because fewer were held for employment only). Some factors in the decline probably were: Better information made available to the Board with increase of staff; decline in employment possibilities, principally between 1933 and about 1939; experience gained over the years by the Board with reference to what offenders represent good and poor parole risks.

First Reappearance

An inmate not paroled at his initial appearance is given a date when he reappears for further consideration. The table below shows, of those indeterminate sentence prisoners making their first reappearance before the Board, the per cent granted parole.

PAROLES GRANTED AT FIRST REAPPEARANCE 1934-1942

YEAR	Per cent Granted
1934	65 1
1935	58 8
1936	56 5
1937	44 0
1938	47 6
1939	40.4
1940	41.4
1941	40 0
1942	45.5

Second Reappearance

The table to follow shows the per cent of indeterminate sentence cases who were granted parole on second reappearance.

PAROLES GRANTED AT SECOND REAPPEARANCE 1934-1942

YEAR	Per cent Granted
1934	55 8
1935	54 1
1936	53 2
1937	40 7
1938	41 9
1939	38 8
1940	36.9
1941	42.7
1942	59 5

Third Reappearance

Of those indeterminate sentence men still left in prisons and the Elmira Reformatory and making their third reappearance before the Board, the following proportions were granted parole in the years indicated.

PAROLES GRANTED AT THIRD REAPPEARANCE 1934-1942

YEAR	Per cent Granted
1934	68.8
1935	54.9
1936	52 1
1937	40 1
1938	38 3
1939	37 0
1940	33 3
1941	44 9
1942	62 7

Fourth Reappearance

Paroles granted at fourth reappearance are shown below:

PAROLES GRANTED AT FOURTH REAPPEARANCE 1937-1942

YEAR	Per cent Granted
1937	37.9
1938	34.2
1939	33.3
1940	40.8
1941	49.4
1942	58 0

Hearings for Parole Violators

Of indeterminate sentence parole violators who had been returned to institutions, served the time fixed by the Board of Parole for such violation, and then appeared before the Board for consideration for reparole, what per cent were repared in given years? The table below gives this.

INDETERMINATE SENTENCE PAROLE VIOLATORS, 1937-1942, APPEARING FOR CONSIDERATION FOR REPAROLE IN GIVEN YEARS AFTER SERVING PENALTY TIME—PER CENT GRANTED REPAROLE

YEAR	Per cent Reparoled
1937.	61.7
1938.	45.3
1939.	26.8
1940	30.1
1941	32 0
1942	49.3

For definite sentence parole violators in the same category, the following are the data:

DEFINITE SENTENCE VIOLATORS, 1937-1942, APPEARING FOR CONSIDERATION FOR RE-RELEASE IN GIVEN YEARS AFTER SERVING PENALTY TIME—PER CENT GRANTED RE-RELEASE

YEAR	Per cent Re-released
1937.	52.5
1938	26.2
1939	21.9
1940	19.9
1941	34.5
1942 ..	55.9

Some indeterminate sentence parole violators and definite sentence violators of supervision agreement are returned to institutions in a given year and re-released the same year, after a brief period of incarceration. Such prisoners were not, of course, returned with new convictions, else they could not be re-released in this manner and in such a short period of time.

For indeterminate sentence cases the table below shows the per cent granted re-release the same year they were returned.

INDETERMINATE SENTENCE PAROLE VIOLATORS RETURNED ON ORIGINAL SENTENCES APPEARING BEFORE THE BOARD THE SAME YEAR AS RETURNED AND REPAROLED THAT YEAR—1937-1942

YEAR	Per cent Reparoled
1937.	0 1
1938.	0.0
1939.	4.4
1940.	5.5
1941..	8.0
1942. .	17.9

The phenomenal increases, beginning in 1939 and going much higher each year thereafter can probably be explained only on the basis of changes in emphasis and point of view on the part of members of the Board of Parole.

For definite sentence violators the situation was, each year, as given in the table below.

**DEFINITE SENTENCE VIOLATORS RETURNED ON ORIGINAL SENTENCES,
APPEARING BEFORE THE BOARD THE SAME YEAR AS RETURNED AND
RE-RELEASED THAT YEAR, 1937-1942**

YEAR	Per cent Re-released
1937.	1 3
1938	0 5
1939	0 0
1940	1.7
1941	0 0
1942	2 6

Persons Under Jurisdiction of the Board of Parole

Excluding persons paroled only to start serving new or additional sentences, there were, in the years indicated below, the following number of persons, indeterminate and definite sentence cases, under the jurisdiction of the Board of Parole all or part of the respective year.

1932	8,416	1938	10,029
1933	9,309	1939	10,003
1934	11,032	1940	10,331
1935	11,799	1941	10,966
1936	10,685	1942	12,171
1937	10,454		

If this were charted, the curve would go upward from 1932 through 1935, swerve downward thereafter until the end of 1939, begin to go upward in 1940, mounting to an all-time high in 1942—12,171. There were 3,755 more persons under jurisdiction all or part of 1942 than there were in 1932.

The table below gives the number of persons placed under supervision, by years.

**NUMBER OF PERSONS PLACED UNDER SUPERVISION BY YEARS—FROM
STATE PRISONS AND ELMIRA—ORIGINAL RELEASES AND RE-RELEASES
—INDETERMINATE AND DEFINITE SENTENCE CASES**

YEAR	Number
1931	2,846
1932	2,880
1933	2,671
1934	3,694
1935	2,760
1936	2,674
1937	2,466
1938	2,377
1939	2,261
1940	2,464
1941	2,885
1942	3,563

Delinquency

In most statements made by or regarding parole systems in the country, the index used to measure parole success or failure has

been the proportion of total load who recidivate and are declared delinquent. While this index, standing alone, is not an entirely acceptable one as the sole measure of success or failure, nevertheless it is probably the one most important factor, hence of great interest here.

The table below shows the per cent of declarations of delinquency for all reasons in a given year among all persons under supervision all or part of that year. This, of course, excludes persons paroled to start serving new sentences, since they were not under supervision, only under jurisdiction, of the Board of Parole.

TOTAL DECLARATIONS OF DELINQUENCY, 1933-1942 AMONG INDETERMINATE AND DEFINITE SENTENCE PERSONS UNDER SUPERVISION ALL OR PART OF GIVEN YEARS

YEAR	Per cent of		Per cent of	
	Indeterminate Sentence Cases Under Supervision Declared Delinquent		Definite Sentence Cases Under Supervision Declared Delinquent	
1933	11.5		13.9	
1934	10.8		16.4	
1935	11.3		20.0	
1936	9.6		18.8	
1937	11.1		20.4	
1938	8.7		16.5	
1939	7.7		18.1	
1940	8.3		14.3	
1941	8.6		14.4	
1942	7.0		13.7	

These figures are apt to be misleading if it is taken that an increase in declarations of delinquency always means an increase in delinquency and a decrease in declarations necessarily implies a decrease in delinquency. This may be so, of course, but on the other hand it must not be lost sight of that still another possibility may be changes in emphasis on the part of the members of the Parole Board over the years, leading to rises or declines in the number of persons cited for declaration of delinquency. The more the Parole Board insists upon strict adherence to parole regulations, the higher the citing of parole violators is likely to be. Another important factor is the quality of supervision by the field staff. Poorer supervision work on the part of parole officers leads to the failure to discover and report delinquency. Improved work tends to increase the intensity of supervision, leading to greater efficiency in detecting and citing parole violators.

For these reasons, no valid interpretation can be made of the table above, standing alone. All that can be said is that definite sentence persons are declared delinquent at a higher rate than indeterminate sentence parolees; that in neither one type of case nor the other is there a steady progression upward or downward over the years in the per cent of those under supervision all or part of given years who are declared delinquent. But 1942 was the lowest year for declarations of delinquency for both indeterminate and definite

sentence cases in the ten year period. Only 7.0 per cent of indeterminate, and 13.7 per cent of definite sentence cases were declared delinquent. The year in which the highest per cent of indeterminate sentence cases under supervision were declared delinquent was 1933, with 11.5 declarations of delinquency. The highest year for definite sentence cases was 1937, with 20.4 per cent. Over the years, there was greater consistency among indeterminate than definite sentence cases in declarations of delinquency, for, between highest and lowest figure, among indeterminate sentence cases declared delinquent there is a difference of only 4.5 per cent; while among definite sentence cases, between highest and lowest per cent of declarations of delinquency, the difference is 6.7 per cent.

There are three principal reasons for declarations of delinquency: arrest on a new charge, pending disposition; absconding; and violation of general conditions of parole or supervision agreements. In cases of persons arrested on new charges, this does not necessarily imply guilt, but the Board files a warrant against the person arrested and declares him delinquent pending disposition of the charge, on the ground that the arrest constitutes reasonable probability that the person concerned had lapsed or is probably about to lapse into criminal ways or company. A decision as to restoration to supervision or return to the institution is made when the charge against the delinquent individual has been fully disposed of in the court. If the person has been convicted of a new felony, he automatically goes to prison and owes time on his old sentence plus his new sentence. But if not convicted, the Parole Board may restore him to supervision or return him.

Of those persons declared delinquent in a given year, what per cent are so declared for each of the three reasons for declaration?

The table below gives this information for indeterminate and definite sentence persons.

REASONS FOR DECLARATION OF DELINQUENCY, 1934-1942

YEAR	INDETERMINATE SENTENCE CASES Per cent			DEFINITE SENTENCE CASES Per cent		
	Arrested	Absconded	General violation	Arrested	Absconded	General violation
1934	49 2	34 6	16 2	39.7	48.2	12.1
1935	51 0	33 2	15 8	45 5	45 2	9.3
1936	48 2	33 6	18 2	42 0	38 8	19 2
1937	39 5	30 6	29 9	34.8	41 3	23 9
1938	39 7	31 1	29 2	30 4	41 8	27 8
1939	41 5	32.3	26 2	31.1	38 4	30 6
1940	40 5	33 6	29 7	35.1	34.0	30 9
1941	34.0	35 8	30 2	24 8	45.5	29 7
1942	35 6	31.1	33 3	38 4	28.3	33 3

The per cent of indeterminate sentence persons declared delinquent after arrest on new charges has fluctuated from year to year, the spread being from 34.0 per cent in 1941 to 51.0 per cent in 1935. The per cent declared delinquent for absconding fluctuated some-

what, the spread being from 30.6 per cent in 1937 to 35.8 per cent in 1941. The spread in per cent of indeterminate sentence cases declared delinquent for general violation of parole has been from 15.8 per cent in 1935 to 33.3 per cent in 1942, with a general tendency to rise, year by year.

Among definite sentence persons, per cent of delinquencies declared for arrests fluctuate, with a spread of from 24.8 per cent in 1941 to 45.5 per cent in 1935. Fluctuation characterizes the year by year per cent of persons declared delinquent for absconding, the spread being from 28.3 in 1942 to 48.2 in 1934. For general violation of supervision agreement, the spread is from 9.3 per cent in 1935 to 33.3 per cent in 1942, with the trend being generally upward beginning in 1936.

The table below gives the returns to correctional institutions, 1937 through 1942, of indeterminate and definite sentence persons under jurisdiction all or part of a given year, declared delinquent the same year. The table shows the ratio of such returns to the total number of persons under active supervision all or part of that given year. This table includes persons declared delinquent in a given year and serving sentences in other institutions, inasmuch as these, of course, constitute new convictions, and, therefore, guilt, even though the persons concerned are not serving such time in New York State institutions.

The table is further broken down to show reasons for return, that is, with new felony conviction, new misdemeanor sentence, or for general violations of parole.

RETURNS, 1937 THROUGH 1942, OF PERSONS UNDER JURISDICTION IN A GIVEN YEAR, DECLARED DELINQUENT THE SAME YEAR — RATIO TO TOTAL UNDER ACTIVE SUPERVISION ALL OR PART OF THAT YEAR (INCLUDING PERSONS DECLARED DELINQUENT THAT YEAR AND SERVING SENTENCES IN OTHER INSTITUTIONS)

	Total under super- vision all or part of year	Returned new felony-or other Inst.- new felony	Per cent of total under super- vision	Returned- New mis- demeanor- or other Inst.- new mis- demeanor	Per cent of total under super- vision	Returned general violation	Per cent of total under super- vision	Total returned all reasons	Per cent of total under super- vision
1937.	9,734	190	2.0	222	2.3	544	5.6	956	9.8
1938.	8,036	159	2.0	150	1.7	438	5.4	747	9.3
1939.	8,078	121	1.5	173	2.1	376	4.7	670	8.3
1940.	9,489	143	1.6	189	2.0	371	3.9	709	7.4
1941.	10,104	140	1.4	151	1.5	430	4.3	721	7.1
1942.	11,316	99	0.9	96	0.8	445	3.9	640	5.7

Felony rates go almost consistently downward. Misdemeanors fluctuate somewhat, but the trend is generally downward. So also is the trend for general violation. The sharp declines noted in 1942 in all categories is due in part to the fact that some 1,400 young men were in the armed forces and, therefore, not as much exposed to crime or parole violation possibilities.

FIVE YEARS OUT—THE FIFTH EVALUATION OF PAROLE

This is the fifth study made by the Division of Parole of individuals released and what happened to them during all or part of a five-year period of supervision. The reasons and basis for such studies have been explained in previous reports.

Methods Followed by Board Since 1934

In 1934, the Board of Parole, in addition to keeping statistics on an annual basis, determined on a plan of keeping a continuous statistical history of all releases made during 1934 and for each subsequent year.

In the Ninth Annual Report of the Division of Parole for the year 1938, there was published for the first time in any state, the story based upon statistics of the degrees of success and the degrees of failure under parole supervision of a group of men and women who were under parole supervision for approximately five years.

The material which follows deals with the fifth group of parolees, released during 1938, who also had been under parole supervision on December 31, 1942, for approximately five years.

The Parole Board, during 1938 released on parole 551 individuals from the Elmira Reformatory and 851 indeterminate sentence prisoners from the prisons of the State, a total of 1,402 indeterminate sentence prisoners. An additional number of 390 definite sentence prisoners were released not on the judgment of the Board of Parole, but because they had served their maximum prison time; that is, their original sentences less the deductions provided for by law, for good behavior in prison and for work willingly performed. Their release was mandatory. The law under which the Board of Parole functions provides that the Board must assume jurisdiction over definite sentence prisoners upon the day of their release, and must supervise them for the period deducted from their sentences by the statutory good behavior allowance.

While a continuous history of all these 1,792 released prisoners was kept, any analysis made should differentiate between those who were selected by the Board for parole and definite sentence prisoners whose release was automatic.

History of Paroles of 1938

In any attempt to evaluate parole, there must be a definition of what it is, its aims, and the persons with whom it is working.

Parole in New York State, it is again stressed, is not pardon, clemency, a mitigation of punishment or a device to reduce overpopulated prisons. It is in those cases over which the Board has jurisdiction, a method of careful selection and supervised readjustments to the community during which the parolee is still a prisoner in the custody of the State.

The basis for selection for parole as stated in the law is "the reasonable probability that if such prisoner is released, he will live

and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society." It is also specified that no indeterminate sentence prisoner shall be released on parole, "merely as a reward for good conduct or efficient performances of duties assigned in prison."

The Board, the law further provides, must be satisfied that if released on parole, the prisoner will be suitably employed in self-sustaining employment. In releasing a prisoner on parole, the Board must specify in writing the conditions of his parole and a copy of the rules and regulations of parole must be given to the parolee.

All indeterminate sentence prisoners released from prisons prior to their parole are required by law to have verified work offers, and acceptable residence programs.

The men and women paroled by the Board of Parole are all over sixteen years of age, who have been convicted of serious crimes technically termed felonies. All prisoners paroled by the State Board must have received indeterminate sentences. Indeterminate sentence prisoners cannot be considered for parole until they have served the minimum sentence fixed by the sentencing judge, less the time provided by statute, for good conduct in prison, and for work willingly performed. No applications for parole are received. When these conditions are fulfilled, prisoners eligible to do so appear before the Board. The names of all persons eligible to appear before the Board for parole consideration are certified to the Board by the State Department of Correction. Prisoners eligible for parole may be released on the earliest date of eligibility fixed by the Department of Correction or may be held by the Board of Parole for any period of time, not to exceed the maximum sentence imposed by the court. In considering parole, the inmate must personally appear before the three members of the Board and a prisoner's release on parole must be by unanimous vote. The Board of Parole does not discharge a prisoner from parole until the expiration of his maximum sentence (except, since 1941, in the cases of some Elmira Reformatory releases).

The Board of Parole, according to the law, has the duty to issue a warrant for the parolee when the parole officer has cause to believe that the parolee "has lapsed or is probably about to lapse into criminal ways or company, or has violated the conditions of his parole in any important respect." When this stage is reached, the parolee is formally "declared delinquent" by the Board. At the required hearing before the Board of Parole, following the parolee's return to the prison or reformatory, the declaration of delinquency is either sustained or in some cases when further investigation shows the declaration of delinquency is not deserved, it is formally cancelled, and the individual is restored to parole status.

The expression "declaration of delinquency" is often confusing because of the accepted concept that crime and delinquency are synonymous terms. In New York State's parole system, "delinquency" means the failure of a parolee to make a satisfactory adjustment to his freedom and in the majority of cases does not mean the commission of a new crime. In an effort to clarify this, it is stated

throughout this report whether the declaration of delinquency was based upon the parolee absconding from supervision, for violations of the rules and regulations of parole or because of a new arrest.

Atypicality of Study During the War

Unfortunately, for some time to come it will be impossible to make valid comparisons, year by year, of the delinquency ratios of the respective study groups. While such comparisons will be made, in order to preserve the record, it must be recognized that because of the war, a number of factors operate now which did not before, tending to destroy a basis for comparison.

For instance, beginning with Selective Service inductions, there were drawn off into the armed forces the younger men on parole. Thus they, the persons from the group which contributes most to crime according to criminal statistics, were in a highly controlled environment, less exposed to criminal temptation, and probably, just as much as other soldiers, inspired, by partiotic motives, to do what society expects. How can we validly compare what happened to the felony rate in 1942, for instance, with what happened to it in 1939, when the composition of the parolee group was different in the two years?

Were we to differentiate in our computations as between actively supervised cases and those in the armed forces, we still would have no valid basis for comparison, for the first group would tend to be older than previous year groups, and the second would certainly be younger, more controlled, and in many ways different in makeup.

Were all other factors equal we should expect the delinquency rate to decline in any study-by-year when we got to 1941-2, for the younger men would be out of a normal community supervision situation. Moreover, in war time, for this and many other reasons, the general adult crime rate tends to decline. The decline should begin to be felt about 1940, and should continue increasingly for some years to come—all other factors being equal, year to year. But we cannot even be sure that they are. Hence the comparison in 1942 of delinquency rates of the 1938 group with other year groups should not be taken as too indicative, particularly if the trend is downward.

1938 Releases

During 1938, 1,402 indeterminate sentence prisoners were paroled by the Board of Parole.

During the period under supervision, 214, or 15.3 per cent, of the 1,402 indeterminate sentence prisoners were convicted of new crimes, and 252, or 18.0 per cent, were declared delinquent for general violations of parole not involving reconviction. *This means that during the period under supervision, 84.7 per cent of those paroled during 1938 were not convicted of new crimes.* The total number convicted of felonies, including those who were convicted and their sentences suspended, was 95, or 6.8 per cent, of the total number paroled. In addition to the number convicted of new felonies there were 119, or 8.5 per cent, convicted of misdemeanors.

The following table shows the number convicted of felonies and misdemeanors by crimes:

	State Prison Parolees		Elmira Parolees		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Felony convictions	36	4.2	59	10.7	95	6.8
Misdemeanor convictions	58	6.8	61	11.1	119	8.5
Total convictions, including suspended sentences	94	11.0	120	21.8	214	15.3

The experience with the 1938 group of parolees differs somewhat from the 1937 releases. In the 1938 group the felony convictions were lower and the misdemeanor convictions higher than in 1937. But taking felonies and misdemeanors together, in 1938 there were 15.3 per cent convictions, as compared with 14.5 per cent in 1937. In 1938, as in 1937, the percentage of those convicted of new crimes was higher for Elmira parolees than for the prison group.

Why, when we might expect some decrease in crime convictions in the 1938 group (because a number were in the armed forces by 1942) there is actually an increase of 0.8 per cent, cannot be said, and no explanation will be attempted. The incalculables in the situation because of the war have not been measured, in fact are still not clear to us.

No attempt is made to explain the higher rate of failure, again found among Elmira parolees as compared to State prison parolees, for any analysis should be based upon a critical evaluation of the types of individuals committed to Elmira and the training programs in operation. Elmira parolees are younger. The period of incarceration for Elmira inmates is shorter, the methods of selection different, and the periods of parole supervision longer than the individuals paroled from the State prisons. When sentenced to Elmira, the minimum sentence, if stated by the court, is not considered, the maximum sentence being accepted as the individual's sentence. A Reformatory Classification Board determines the classification inmates receive. While it is not mandatory for the Board of Parole to follow the recommendations of the institutional authorities, the reformatory program is based on the assumption that no inmate will be held beyond the lowest classification.

Comparisons of the Convictions of the 1935, 1936, 1937 and 1938 Releases

Limiting the comparison to the same period of time under supervision, a decided drop occurred in the total number and percentage of 1936 parolees convicted of felonies or misdemeanors as compared with 1935 releases. In 1937, as compared with 1936, there was a further drop. In 1938, as compared with 1937, there was an increase, from 14.5 per cent to 15.3 per cent.

In the years 1935, 1936, 1937, 1938, the percentage of releases in each year convicted of felonies and misdemeanors combined was 15.6, 14.7, 14.5, and 15.3 respectively.

In the period studied, 8.5 per cent of the 1935 releases were convicted of felonies; 7.6 per cent of 1936 releases; 7.6 per cent of the 1937 releases; and 6.8 per cent of the 1938 releases were convicted.

A total of 7.1 per cent of 1935 releases were convicted of misdemeanors, while 7.1 per cent of the 1936 releases, 6.9 per cent of 1937 releases, and 8.5 per cent of 1938 releases were so convicted.

COMPARISON OF FELONY CONVICTIONS OF THE 1935, 1936, 1937, 1938 RELEASES

	State Prison Parolees		Elmira Parolees		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
1935 releases	79	7.3	63	10.6	142	8.5
1936 releases	78	7.4	44	8.1	122	7.6
1937 releases	60	6.9	41	8.8	101	7.6
1938 releases	36	4.2	59	10.7	95	6.8

COMPARISON OF MISDEMEANOR CONVICTIONS OF THE 1935, 1936, 1937, 1938 RELEASES

	State Prison Parolees		Elmira Parolees		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
1935 releases	71	6.5	49	8.3	120	7.1
1936 releases	66	6.2	48	8.8	114	7.1
1937 releases	46	5.3	47	10.1	93	6.9
1938 releases	58	6.8	61	11.1	119	8.5

Violations of Parole other than Re-Conviction

The efficacy of parole is judged by the number of parolees arrested and convicted of new crimes, but, an equally important evaluation is the number of individuals who are declared violators, not because of the commission of new crimes, but due to the fact that their adjustments to a free life in the community were so unsatisfactory that they were declared delinquent by the Board of Parole.

Parolees declared delinquent by the Board for general violations of parole are grouped into three classifications: absconding from supervision, arrests which did not result in conviction, and for violations of the rules and regulations of parole. Violations of rules of parole are considered the least degree of parole failure, absconding more serious, and arrests, the most serious.

The history of parole supervision for those released during 1938 shows the following number found delinquent by the Board of Parole for violations of parole other than re-convictions:

1938 RELEASES

REASON FOR DECLARATION OF DELINQUENCY	State Prison Parolees		Elmira Parolees		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Violation of rules and regulations of parole	53	6.2	63	11.4	116	8.3
Absconding	58	6.8	36	6.5	94	6.7
Arrested, not convicted	23	2.7	19	3.5	42	3.0
Total	134	15.7	118	21.4	252	18.0

Comparison of Violations other than Re-Convictions for the 1935, 1936, 1937 and 1938 Releases

The following table shows that the total percentage of declaration of delinquency was 19.6 in 1935 releases, 20.4 in 1936 releases, 19.5 in 1937 releases, and 18.0 in 1938 releases.

COMPARISON OF VIOLATIONS OTHER THAN RE-CONVICTIONS FOR THE 1935, 1936, 1937, 1938 RELEASES

REASON FOR DECLARATION OF DELINQUENCY	STATE PRISON PAROLEES				ELMIRA PAROLEES				TOTAL			
	1935	1936	1937	1938	1935	1936	1937	1938	1935	1936	1937	1938
Violation of rules and regu-												
lations of parole,	92	98	79	53	53	54	52	63	145	152	131	116
Absconding	88	74	57	41	6	33	6	36	129	77	83	9
Arrested, not convicted . . .	36	42	29	23	19	26	17	19	55	68	46	3
	216	214	165	134	113	113	95	118	329	327	260	252
	19.9	20.2	19.0	15.7	19.1	20.7	20.4	21.4	19.6	20.4	19.5	18.0

Summary Regarding 1938 Releases

The conclusions from the analysis of the case histories of the parolees released during 1938 indicate that 936, or 66.7 per cent, of those released had made, with the help and supervision of the Division of Parole, a satisfactory adjustment to their freedom, and were never declared delinquent either for general violation of parole or for convictions. Another 252, or 18.0 per cent, were found by the Board of Parole not adhering to the conditions of their release on parole and were ordered returned. Actually convicted of new crimes while on parole were 214, or 15.3 per cent; 95, or 6.8 per cent, were convicted of new felonies; the remaining 119, or 8.5 per cent, for misdemeanors.

Comparison of the Results of Five Years of Parole Supervision in the 1935, 1936, 1937 and 1938 Releases

A comparison of the 1935, 1936, 1937 and 1938 releases after five years shows that for the 1935 releases, satisfactory adjustments (at least non-recidivism) had been made in 64.8 per cent of the cases; for 1936 releases the percentages was 64.9; for the 1937 releases it was 66.0 per cent; and for 1938 releases satisfactory adjustments were achieved in 66.7 per cent of the cases.

Of the 1935 releases, 19.6 per cent were returned for violations of parole other than reconviction for felony or misdemeanor; 20.4 per cent of the 1936 releases were returned for this reason; 19.5 per cent of the 1937 releases were so returned; and 18.0 per cent of the 1938 releases were returned for violations of parole other than reconviction.

The number convicted of new crimes while on parole shows that of 1935 releases 15.6 per cent had been so convicted; in 1936 the total was 14.7 per cent; in 1937 it was 14.5 per cent; while in 1938 it was 15.3 per cent.

Convictions for felonies among the 1935 releases was 8.5 per cent; for 1936 releases it was 7.6 per cent; for 1937 releases it was 7.6 per cent; and for 1938 releases, 6.8 per cent had been convicted of felonies.

Convictions for misdemeanors among the 1935 releases was 7.1 per cent; for 1936 releases it was 7.1 per cent; for 1937 releases it was 6.9 per cent; and for 1938 releases, 8.5 per cent had been convicted of misdemeanors.

History of Definite Sentence Prisoners (Statutory or Mandatory Releases)

Since 1817, the statutes have provided for the reduction of prison sentences for satisfactory conduct and for work willingly performed. In the cases of indeterminate sentence prisoners, "good time allowances" make it possible for these prisoners to appear before the Board at an earlier date, specifically at the expiration of their minimum sentence less the deduction of time allowed by statute.

The Board of Parole in these cases may release them on parole on the date determined, not by the Board of Parole, but by the Department of Correction, or may hold them for any period of time, not to exceed their maximum sentence.

With definite sentence prisoners, the Board of Parole has no power to grant or withhold release. Automatically, at the expiration of their sentences, less time off for good behavior, they are released according to statute. No consideration can be given to their unfitness to return to the community, or to whether they have a home or verified employment.

The Board of Parole assumes jurisdiction over these released prisoners the day they leave prison, and must supervise them for the period of time for which their sentences have been reduced. Every definite sentence prisoner has, prior to the crime for which he was incarcerated, been convicted of one or more previous felonies.

When these prisoners are placed under parole supervision, the same efforts are made to keep them employed and to solve their several problems as are made with indeterminate sentence prisoners. But these "repeaters" are not selected for release, and return to communities under far less favorable conditions than indeterminate sentence prisoners who must have verified employment before being paroled. It is not surprising, therefore, to find the percentage of failure higher than with indeterminate sentence prisoners.

The table below shows the number out of the total 390 released who made a satisfactory readjustment under parole supervision, and those who in varying degrees failed.

SUMMARY OF THE 390 DEFINITE SENTENCE PRISONERS RELEASED DURING 1938

	Number 218	Per cent 55.9
Satisfactory readjustment		
Found delinquent by Board:		
For violation of rules and regulations of release	41	10.5
For absconding	46	11.8
For arrests without convictions	13	3.3
	100	25.6
Convicted of new crimes:		
Felonies	44	11.3
Misdemeanors	28	7.2
	72	18.5
GRAND TOTAL	390	100.0

Definite Sentence Prisoners

Comparison of the Releases of 1935, 1936, 1937, 1938

The percentage of 1935 releases who had made a satisfactory adjustment after a five year period was 50.5 per cent; for 1936

releases it was 50.0 per cent; for 1937 releases it was 57.8 per cent; and for the 1938 group it was 55.9 per cent.

The number of 1935 releases declared delinquent by the Board of Parole for violation of rules and regulations of release was 12.4 per cent; for 1936 releases it was 11.9 per cent; for the 1937 group it was 9.5 per cent; while for the 1938 group it was 10.5 per cent.

For absconding, 13.1 per cent of the 1935 releases were declared violators, while 11.0 per cent of the 1936 releases, 11.2 per cent of the 1937 releases, and 11.8 per cent of 1938 releases were so considered to have violated their release agreements.

For arrests without conviction, 3.6 per cent of the 1935 releases, 4.1 per cent of 1936 releases, 5.4 per cent of the 1937 group, and 3.3 per cent of the 1938 releases were declared delinquent.

The percentage of the 1935 releases who were convicted of new crimes was 20.4 per cent; 23.0 per cent of 1936 releases and 16.1 per cent of 1937 releases were so convicted; while for the 1938 group the percentage was 18.5.

Detailed statistical information regarding the 1938 parole releases will be found on ensuing pages in this section of the Report, under the heading, *An Approach to an Evaluation of Parole*.

AN APPROACH TO AN EVALUATION OF PAROLE

Persons Released to Supervision During 1938

December 31, 1942, marks the completion of five years of following through the fifth group of parolees for which detailed records have been kept. The experience with this group, like those released during 1934, 1935, 1936 and 1937, has been accumulated from year to year and there is available accurate information relative to the parole history of these prisoners.

The original parole releases of 1938 have been under supervision from the dates of release in 1938 to the end of 1942. Inasmuch as persons released to parole supervision during 1938 were distributed throughout the year insofar as the actual dates of release are concerned, the entire group may be said to have been under supervision for four and a half years.

Throughout this period this group has remained constant and has not been added to by other and subsequent releases. During this period, persons have been removed from supervision by the expiration of their maximum terms and by death. Other persons have been removed from supervision because of declarations of delinquency. In most cases, the parolees declared delinquent were returned for violation of parole. Some of these returned violators were reparaoled while others were required to serve the remaining part of their sentences from the date of delinquency to the date of the expiration of their sentences. Still others were, on December 31, 1942, incarcerated, serving all or part of their delinquent time.

During 1938 there were 1,792 persons originally released under parole supervision. Five hundred fifty-one were paroled from the Elmira Reformatory, 851 indeterminate sentence prisoners were paroled and 390 definite sentence prisoners were released from the prisons of the State. On December 31, 1942, the number still under supervision was 602, or 33.6 per cent, of the total releases.

The decrease in the number of persons remaining under supervision at the end of each year was as follows:

On December 31, 1938, those under supervision had decreased 12.5 per cent. One year later there was a further decrease of 22.4 per cent. On December 31, 1940, only 46.2 per cent of the original 1,792 persons were under supervision—a further decrease of 18.9 per cent. During the following year there was a reduction of 9.4 per cent, and during 1942 there was a further reduction of 3.2 per cent. In the space of four and a half years during which this group has been under observation, the 1,792 persons have steadily been reduced until on December 31, 1942, only 602 of those persons were under supervision. This is a reduction of 66.4 per cent. Of the 602 individuals remaining under supervision on December 31, 1942, 308 were Elmira parolees, 251 indeterminate sentence parolees and 43 definite or commuted sentence prisoners.

However, this reduction, as previously suggested, includes not only removals due to declarations of delinquency, but those caused by maximum expiration of sentence and death.

In this period extending from the date of release in 1938 to December 31, 1942, there were 717 declarations of delinquency for the entire group of 1,792 prisoners. However, in 36 instances delinquencies were subsequently cancelled, making a net total of 681 declarations of delinquency.

In some instances individuals were declared delinquent more than once—the 681 declarations of delinquency represent 638 individuals. These 638 delinquent persons were 35.6 per cent of the 1,792 individuals released during 1938.

Declaration of delinquency may be due to a variety of reasons only some of which are for arrests for new crimes. Delinquencies fall into these classifications: arrest, absconding, other violations of parole. Only the first of these—arrests—may properly be considered as possibly of criminal nature.

Of the 638 persons declared delinquent, 251 had such action taken because of arrest. This is 13.9 per cent of the 1,792 releases. The other reasons for delinquency—absconding and other violations of parole agreement—accounted for the remaining 387 delinquents.

The different types of prisoners released in 1938 and still under supervision on December 31, 1942, showed the following decreases:

Elmira—243 or 44.1 per cent

Indeterminate sentence prison cases—600 or 70.5 per cent

Definite sentence prisoners—347 or 89.0 per cent

The status of these 1,792 prisoners released during 1938 is shown in the following table:

STATISTICAL SUMMARY OF 1,792 PERSONS ORIGINALLY RELEASED
TO SUPERVISION DURING 1938

	INDETERMINATE SENTENCES		DEFINITE SENTENCES	Total
	Elmira	Prisons		
RELEASED TO ORIGINAL SUPERVISION DURING 1938.....	551	851	390	1,792
Discharged during 1938:				
By maximum expiration of sentence	8	30	3	41
By death.....	1	2	3	6
By declaration of delinquency.....	44	69	64	177
Total removed during 1938.....	53	101	70	224
Re-released during 1938 after having been declared delinquent in 1938.....	..	...	1	1
Number of individuals remaining in good standing on January 1, 1939....	498	750	321	1,569
Restored to supervision during 1939:				
By cancellation of delinquency.....	2	1	1	4
By re-release.....	4	.....	4	8
Total restored to supervision.....	6	1	5	12
Total under supervision during all or part of 1939.....	504	751	326	1,581

	INDETERMINATE SENTENCES		DEFINITE SENTENCES	Total
	Elmira	Prisons		
Discharged during 1939:				
By maximum expiration of sentence	14	91	50	155
By death		2	4	6
By declaration of delinquency ..	96	84	74	254
Total removed during 1939	110	177	128	415
Re-released during 1939 after having been declared delinquent in 1939		1		1
Number of individuals remaining in good standing on January 1, 1940	394	575	198	1,167
Restored to supervision during 1940:				
By cancellation of delinquency ..	4	6	5	15
By re-release.	8	5	4	17
Total restored to supervision.....	12	11	9	32
Total under supervision during all or part of 1940.	406	586	207	1,199
Discharged during 1940:				
By maximum expiration of sentence ..	3	121	73	197
By death ..		11	3	14
By declaration of delinquency ..	70	67	29	166
Total removed during 1940 ..	73	199	105	377
Re-released during 1940 after having been declared delinquent in 1940 ..	3	2	1	6
Number of individuals remaining in good standing on January 1, 1941 ..	336	389	103	828
Restored to supervision during 1941:				
By cancellation of delinquency ..	1	8	2	11
By re-release.....	49	19	8	76
Total restored to supervision	50	27	10	87
Total under supervision during all or part of 1941 ..	386	416	113	915
Discharged during 1941:				
By maximum expiration of sentence	37	94	43	174
By death ..	1	3		4
By declaration of delinquency ..	37	29	13	79
Total removed during 1941.....	75	126	56	257
Re-released during 1941 after having been declared delinquent in 1941..	2	.....	.....	2
Number of individuals remaining in good standing on January 1, 1942.....	313	290	57	660
Restored to supervision during 1942:				
By cancellation of delinquency ..	2	3	1	6
By re-release... ..	46	28	6	80
Total restored to supervision.....	48	31	7	86

	INDETERMINATE SENTENCES		DEFINITE SENTENCES	Total
	Elmira	Prisons		
Total under supervision during all or part of 1942.....	361	321	64	746
Discharged during 1942:				
By maximum expiration of sentence	33	56	12	101
By death.....		2		2
Total discharged during 1942	33	58	12	103
Declared delinquent during 1942:				
Absconding — not apprehended		3	1	4
Returned on original sentence to State prison, or Elmira Reformatory after having been arrested	4	2	3	9
Returned on original sentence to State prison, or Elmira Reformatory after general violation of parole	6	2	3	11
Returned on original sentence to State prison, or Elmira Reformatory after having absconded	4	3	2	9
Returned to State prison, or Elmira Re- formatory with new sentence after con- viction of subsequent felony	1			1
In custody awaiting trial	1	2		3
In an institution not under the jurisdiction of Board of Parole	4			4
Total declared delinquent during 1942..	20	12	9	41
Total removed from supervision during 1942.	53	70	21	144
Number of individuals remaining in good standing on December 31, 1942	308	251	43	602

The following table brings together in summary form the experiences of the five years:

CONDENSED TABLE FOR PERSONS RELEASED DURING 1938

	INDETERMINATE SENTENCE PRISONERS		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
RELEASED TO ORIGINAL SUPERVISION DUR- ING 1938	551	851	390	1,792
Removed from supervision by:				
Maximum expiration of sentence — never delinquent	81	368	164	613
Maximum expiration of sentence — pre- viously delinquent	14	24	17	55
Death — never delinquent	2	20	10	32
Declaration of delinquency	267	261	189	717
Total removed from supervision	364	673	380	1,417

	INDETERMINATE SENTENCE PRISONERS		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
Restored to parole supervision by:				
Cancellation of delinquency.....	9	18	9	36
Reparole.....	112	55	24	191
Total restored to supervision.	121	73	33	227
TOTAL REMAINING UNDER SUPERVISION ON DECEMBER 31, 1942	308	251	43	602

*Number Removed from Supervision of the 1,792 Prisoners Released
During 1938*

Removal from parole supervision may be final, either through the expiration of the maximum sentence or by death. The removal may be tentative or conditional as in the cases of those declared delinquent by the Board of Parole. In the cases discharged by expiration of the maximum term, the sentences imposed upon the prisoners have been definitely terminated. In the cases of the individuals declared parole violators or delinquent by the Board of Parole the sentence is, according to the date the delinquency is declared, held in abeyance until prisoners are taken into custody by the Board of Parole. When delinquencies are cancelled, because further investigation proves return to the institution inadvisable, the parolees are restored to parole status and their sentences continue. However, if the prisoners are returned to the institutions to be incarcerated for general parole violations, they may be required to serve the remainder of their sentences or may be re-released after a period of incarceration. The time owed on their sentences is from the date of the declaration of delinquency until the expiration of the maximum sentence. If men paroled from the prisons of the State are convicted of new felonies while on parole, it is mandatory for them to serve all of their sentences from the date of their release until the maximum expiration of sentence before beginning to serve their new sentence.

Seven hundred, or 39.1 per cent, of the 1,792 persons placed under supervision during 1938 were finally removed from supervision by other than declaration of delinquency by the end of 1942. From the original 551 Elmira releases, those removed by maximum expiration of sentence or death numbered 97, or 17.4 per cent.

For the 851 indeterminate sentence prison releases, the number removed by maximum expiration of sentence or death was 412, or 48.4 per cent, and for the 390 commuted sentence prisoners the number so removed from supervision was 191, or 49.0 per cent.

*Number Removed from Supervision by Declarations of Delinquency
of the 1,792 Releases During 1938*

During the period extending from the date of release during 1938 to December 31, 1942, an average period of four and one-half years,

there were 717 declarations of delinquency. Among the 551 released from Elmira, there were 267 declarations of delinquency. Of the 851 indeterminate sentence prisoners released, there were 261 declarations of delinquency; and of the 390 definite sentence prisoners released, there were 189 declarations of delinquency.

These 717 declarations of delinquency do not represent 717 individuals, but the total number of delinquencies declared by the Board of Parole for the group released during 1938, merely representing the number of times such action was taken by the Board of Parole in the cases of 638 individuals.

Included in the 717 declarations of delinquency are 36 instances in which the delinquencies were later cancelled.

The number of different individuals who were delinquent during the period from their release in 1938 to December 31, 1942, is shown in the following table:

STATUS	INDETERMINATE SENTENCE PRISONERS		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
TOTAL DECLARATIONS OF DELINQUENCY....	267	261	189	717
Delinquencies cancelled.....	9	18	9	36
Subsequent delinquencies established after previous declarations of delinquency.....	20	15	8	43
NUMBER OF PERSONS DECLARED DE- LINQUENT.....	238	228	172	638

Reasons for the Original Declarations of Delinquency in the Cases of the 638 Individuals

The tabulation below shows the reasons for declaration of delinquency for the 638 persons declared delinquent between date of release in 1938 and the end of the year 1942.

REASONS FOR THE ORIGINAL DECLARATIONS OF DELINQUENCY IN THE CASES OF THE 638 INDIVIDUALS

REASON	INDETERMINATE SENTENCE PRISONERS				DEFINITE SENTENCE PRISONERS		Total	
	Elmira		Prisons					
	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent
Arrest.....	110	46.2	80	35.1	61	35.5	251	39.3
Absconding.....	63	26.5	92	40.4	70	40.7	225	35.3
Other violations.....	65	27.3	56	24.5	41	23.8	162	25.4
TOTAL.....	238	100.0	228	100.0	172	100.0	638	100.0

Status of Individuals Declared Delinquent

Of the 638 persons (representing the 717 declarations of delinquency by the Board), there were 546, or 85.6 per cent, returned to prison, while the remaining 92, or 14.4 per cent, were not returned.

Of the 546 who were returned to prison for violation of parole, 184 were removed from parole jurisdiction while incarcerated for their violations, 181 by expiration of their maximum sentences, and three by death.

One hundred forty-eight, or 23.2 per cent, of the 546 persons were again released from the institution and again placed under supervision. Subsequent to their release, 37 were discharged from supervision by reason of the expiration of their maximum terms, and 111 were in good standing under supervision on December 31, 1942.

The 92 violators who had not been returned to prison for violation of their parole consisted of two who died prior to their return; 30 who were confined on new sentences in institutions over which the Board of Parole does not have paroling jurisdiction, and against whom parole violation warrants had been filed; 55 who were absconders as yet unapprehended; 2 who died as absconders; and 3 who were in custody awaiting disposition of their cases by the Board of Parole

STATUS ON DECEMBER 31, 1942 OF THE INDIVIDUALS DECLARED DELINQUENT WHO WERE ORIGINALLY RELEASED IN 1938

	INDETERMINATE SENTENCES		DEFINITE SENTENCES	Total
	Elmira	Prisons		
Delinquencies declared:				
Original	243	242	178	663
Second	23	19	11	53
Third	1	..	..	1
Total delinquencies declared	267	261	189	717
Delinquencies cancelled:				
Original	5	14	6	25
Second	3	4	3	10
Third	1	..	..	1
Total delinquencies cancelled	9	18	9	36
Effective delinquencies:				
Original	238	228	172	638
Second	20	15	8	43
Third . . . . .	..	..	..	..
Total effective delinquencies	258	243	180	681
Number of persons declared delinquent:				
Once	220	223	167	610
Twice	22	19	11	52
Three times	1	..	..	1
Total number of persons declared delinquent	243	242	178	663
Number of persons whose original delinquencies were cancelled	5	14	6	25
Number of different persons with effective delinquencies	238	228	172	638

	INDETERMINATE SENTENCES		DEFINITE SENTENCES	Total
	Elmira	Prisons		
Died while in institution as violator.....	1	.....	2	3
Died prior to return to institution.....	1	.....	1	2
Discharged by maximum expiration of sen- tence after re-release.....	12	13	12	37
Discharged from institution by maximum ex- piration of sentence	30	75	76	181
Confined in an institution over which Board of Parole has jurisdiction:				
Returned on original sentence.	56	56	34	146
Returned with new sentence.....	33	17	18	68
Confined in an institution over which the Board of Parole has no parole jurisdiction (parole violation warrants lodged)....	13	10	7	30
Absconder — not located.....	11	26	18	55
Died as absconder.....	..	2	.....	2
Disposition pending — not returned	1	2	.....	3
Re-released and in good standing on Dec- ember 31, 1942.	80	27	4	111
TOTAL ..	238	228	172	638

ACTION TAKEN RELATIVE TO THE 717 DECLARATIONS OF DELIN- QUENCY AGAINST 1,792 PRISONERS RELEASED TO ORIGINAL SUPERVISION DURING 1938

	INDETERMINATE SENTENCES		DEFINITE SENTENCES	Total
	Elmira	Prisons		
DECLARED DELINQUENT ONCE				
Declared delinquent because of general violation of parole:				
Returned for such delinquencies.....	57	50	40	147
Delinquency cancelled.....	..	.....	2	2
Total number of persons declared de- linquent once when delinquencies were due to general violation of parole.....	57	50	42	149
Declared delinquent because of absconding:				
Returned as absconder after being ap- prehended.....	20	25	25	70
Returned after arrest in which charge was dismissed.....	5	3	1	9
Returned after serving sentence following conviction of misdemeanor	1	16	5	22
Returned after receiving suspended sen- tence following conviction of misde- meanor.....	2	.....	1	3
Returned after serving sentence in another jurisdiction following conviction of felony	3	2	4	9
Returned with new sentence following con- viction of felony.....	5	6	7	18
Returned to institution because of ab- sconding but died after return	1	.....	1	2
Not returned, but serving sentence in a local institution following conviction of misdemeanor.....	1	1	.....	2

	INDETERMINATE SENTENCES		DEFINITE SENTENCES	Total
	Elmira	Prisons		
Not returned, due to incarceration in an institution in another jurisdiction following conviction of felony.	5	4	4	13
Not returned — died while absconder without being apprehended. . . . .	.....	2	.....	2
Not returned — absconder not apprehended.	11	24	17	52
Not returned — died as absconder while serving sentence in another institution following conviction of misdemeanor.	1	.....	.....	1
Delinquency cancelled:				
Absconder — after being located.	3	13	3	19
<hr/>				
Total number of persons declared delinquent once when delinquencies were due to absconding.	58	96	68	222
<hr/>				
Declared delinquent because of arrest:				
Arrested — charge dismissed, returned as violator.	11	14	11	36
Arrested — disposition pending, returned as violator. . . . .	.....	4	.....	4
Convicted of misdemeanor — returned as violator after serving sentence.	37	24	17	78
Convicted of misdemeanor — returned as violator after receiving suspended sentence.	9	11	2	22
Convicted of misdemeanor — sentence deferred and returned.	3	1	.....	4
Convicted of felony — served sentence in another jurisdiction — returned after serving sentence.	5	5	2	12
Convicted of felony — received suspended sentence and returned.	5	.....	2	7
Convicted of new felony, returned with new sentence.	28	13	17	58
Convicted of felony — sentence deferred and returned. . . . .	.....	.....	1	1
Convicted of misdemeanor — serving sentence in a local institution — not returned	1	1	.....	2
Convicted of felony — serving sentence in another jurisdiction, not returned.	4	3	3	10
Arrested — died before disposition of arrest. . . . .	.....	.....	1	1
Delinquency cancelled:				
Convicted of misdemeanor — served sentence in a local institution.	1	.....	1	2
Arrested — acquitted. . . . .	.....	1	.....	1
Convicted of felony — served sentence in another jurisdiction.	1	.....	.....	1
<hr/>				
Total number of persons declared delinquent once whose delinquencies were due to arrests.	105	77	57	239
<hr/>				
Grand total of all persons declared delinquent once.	220	223	167	610
<hr/>				

	INDETERMINATE SENTENCES		DEFINITE SENTENCES	Total
	Elmira	Prisons		
DECLARED DELINQUENT TWICE				
First delinquency because of general violation of parole.....	8	6	1	15
Second delinquency:				
Because of general violation of parole—returned as parole violator.....	3	1	1	5
Because of absconding—returned after being apprehended.....	1	1		2
Because of absconding—returned after serving sentence following conviction of misdemeanor.....		1		1
Returned after serving sentence in a local institution following conviction for misdemeanor.....	1	1		2
Arrested—charge dismissed.....	1			1
Arrested—disposition pending.....	1	1		2
Returned after receiving suspended sentence for conviction of misdemeanor....	1			1
Returned after sentence deferred following conviction of felony.....		1		1
First delinquency because of absconding in which parolees were returned for absconding.....	6	3	3	12
Second delinquency:				
Because of general violation of parole—returned as parole violator.....	1			1
Because of absconding—returned after being apprehended.....	2	2	1	5
Because of absconding—returned after serving sentence in a local institution following conviction for misdemeanor...	1			1
Returned after serving sentence in local institution for conviction of misdemeanor	1		1	2
Convicted of felony and serving sentence in another jurisdiction.....	1			1
Returned with new sentence after conviction for new felony.....			1	1
Delinquency cancelled:				
Convicted of misdemeanor and served sentence.....		1		1
First delinquency because of absconding—cancelled after being located.....	1	3	1	5
Second delinquency:				
Because of absconding—cancelled after being located.....	1			1
Because of absconding in which parolee was returned.....		1		1
Because of conviction of felony and returned after serving sentence.....		1		1
Absconder—not apprehended.....		1		1
Because of absconding—returned after serving sentence following conviction for misdemeanor.....			1	1

	INDETERMINATE SENTENCES		DEFINITE SENTENCES	Total
	Elmira	Prisons		
First delinquency because of absconding and returned after serving sentence following conviction of misdemeanor. . . . .	.	3	.. . . .	3
Second delinquency:				
Because of arrest — returned after serving sentence following conviction for misdemeanor . . . . .	.	1	.....	1
Because of absconding — not apprehended. . . . .	.	1	.....	1
Returned as violator for general violation . . . . .	.. . . .	1	.....	1
First delinquency because of absconding and delinquency cancelled after serving sentence following conviction of misdemeanor. . . . .	.. . . .	.. . . .	1	1
Second delinquency:				
Returned after serving sentence following conviction of felony . . . . .	.. . . .	.. . . .	1	1
First delinquency because of arrest — disposition pending	1	.. . . .	.. . . .	1
Second delinquency because of conviction for felony in which sentence was deferred	1	.. . . .	.. . . .	1
First delinquency because of arrest in which charge was dismissed	1	1	1	3
Second delinquency:				
Returned as violator because of general violation.	1	1	.. . . .	2
Because of arrest — received a suspended sentence for conviction of felony. . . . .	.....	.....	1	1
First delinquency because of arrest — returned after serving sentence for conviction of misdemeanor	3	2	2	7
Second delinquency:				
Because of absconding — not returned — not apprehended . . . . .	.....	.. . . .	1	1
Because of arrest — returned after serving sentence following conviction of misdemeanor . . . . .	.....	.. . . .	1	1
Returned after receiving a suspended sentence for a felony conviction.	1	.....	.....	1
Returned after arrest in which charge was dismissed	1	.....	.....	1
Returned as violator because of general violation	1	.....	.....	1
Because of absconding — convicted of felony and serving sentence in another jurisdiction. . . . .	.....	1	.....	1
Because of absconding and returned. . . . .	.....	1	.....	1
First delinquency because of a felony conviction and returned after serving sentence.	1	.....	.....	1

	INDETERMINATE SENTENCES		DEFINITE SENTENCES	Total
	Elmira	Prisons		
Second delinquency:				
Because of absconding and returned....	1	...	.....	1
First delinquency because of arrest — in which parolee received a suspended sen- tence following conviction of misdemeanor.	1	. .	1	2
Second delinquency:				
Because of absconding — cancelled after being located.	1	. .	....	1
Because of arrest and returned after charge was dismissed . ....	...	...	1	1
First delinquency — returned after sentence was deferred following conviction for felony	.	1	...	1
Second delinquency:				
Because of arrest — disposition pending		1	..	1
First delinquency because of arrest — ac- quitted and cancelled ... ..	.	.	1	1
Second delinquency:				
Returned with new sentence following conviction of new felony....	.....	..	1	1
Total of all persons declared delin- quent twice.	22	19	11	52
DECLARED DELINQUENT THREE TIMES				
First delinquency because of absconding in which parolee was returned for absconding.	1	.....	.....	1
Second delinquency because of absconding and delinquency cancelled	1	.....	.....	1
Third delinquency because of absconding and returned after serving sentence follow- ing conviction for misdemeanor	1	.....	.....	1
Total of all persons declared delinquent three times	1	...	.....	1
Grand total of all persons declared delinquent	243	242	178	663
Grand total of all declarations of delinquency.	267	261	189	717

RELEASES OF 1934, 1935, 1936, 1937, 1939, 1940, 1941, 1942

Due to limitations of space it is planned to limit detailed statistical information to the group of released prisoners who have been under parole supervision for approximately five years and to compare annually the results with preceding groups who had been supervised for the same period of time. However, summary tables will be included which will show the status at the close of the year of each group which has been released.

CONDENSED TABLE FOR PERSONS RELEASED DURING 1934

	INDETERMINATE SENTENCE PAROLEES		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
RELEASED TO ORIGINAL SUPERVISION DURING 1934.....	749	1,489	838	3,076
Removed from supervision by:				
Court order.....	1	.....	.....	1
Executive pardon.....	1	1	.....	2
Maximum expiration — never delinquent.	383	715	421	1,519
Maximum expiration — previously delinquent.....	106	147	129	382
Died — never delinquent.....	10	40	10	60
Died — previously delinquent.....	1	4	1	6
Declaration of delinquency.....	408	649	443	1,500
Total removed from supervision.....	910	1,556	1,004	3,470
Restored to parole status by:				
Cancellation of delinquency.....	32	45	34	111
Reparole.....	240	240	153	633
Total restored to supervision.....	272	285	187	744
TOTAL REMAINING UNDER SUPERVISION ON DECEMBER 31, 1942.....	111	218	21	350

CONDENSED TABLE FOR PERSONS RELEASED DURING 1935

	INDETERMINATE SENTENCE PRISONERS		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
RELEASED TO ORIGINAL SUPERVISION DURING 1935	592	1,087	558	2,237
Removed from supervision by:				
Maximum expiration of sentence — never delinquent	319	548	249	1,116
Maximum expiration of sentence — previously delinquent	36	79	53	168
Death — never delinquent	7	35	13	55
Declaration of delinquency	290	434	324	1,048
Total removed from supervision	652	1,096	639	2,387
Restored to parole supervision by:				
Cancellation of delinquency	13	15	16	44
Reparole	140	135	77	352
Total restored to supervision	153	150	93	396
TOTAL REMAINING UNDER SUPERVISION ON DECEMBER 31, 1942	93	141	12	246

CONDENSED TABLE FOR PERSONS RELEASED DURING 1936

	INDETERMINATE SENTENCE PRISONERS		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
RELEASED TO ORIGINAL SUPERVISION DURING 1936	546	1,060	438	2,044
Removed from supervision by:				
Maximum expiration — never delinquent	297	485	187	969
Maximum expiration — previously delinquent	24	49	29	102
Died — never delinquent	3	22	7	32
Died — previously delinquent	255	2	3	5
Declaration of delinquency	255	415	244	914
Total removed from supervision	579	973	470	2,022
Restored to supervision by:				
Cancellation of delinquency	8	16	12	36
Reparole	111	122	45	278
Total restored to supervision	119	138	57	314
TOTAL REMAINING UNDER SUPERVISION ON DECEMBER 31, 1942	86	225	25	336

CONDENSED TABLE FOR PERSONS RELEASED DURING 1937

	INDETERMINATE SENTENCE PAROLEES		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
RELEASED TO ORIGINAL SUPERVISION DURING 1937.....	466	869	391	1,726
Removed from supervision by:				
Maximum expiration — never delinquent.	204	376	185	765
Maximum expiration — previously delinquent.....	21	30	21	72
Transfer — previously delinquent	1	...	...	1
Death — never delinquent	10	24	7	41
Death — previously delinquent	1	3	1	5
Declaration of delinquency	227	305	187	719
Total removed from supervision.....	464	738	401	1,603
Restored to supervision status by:				
Cancellation of delinquency.....	9	12	12	33
Reparole	100	60	33	193
Total restored to supervision.....	109	72	45	226
TOTAL REMAINING UNDER SUPERVISION ON DECEMBER 31, 1942	111	203	35	349

CONDENSED TABLE FOR PERSONS RELEASED DURING 1939

	INDETERMINATE SENTENCE PRISONERS		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
RELEASED TO ORIGINAL SUPERVISION DURING 1939.....	531	891	351	1,773
Removed from supervision by:				
Court order.....	....	1	...	1
Maximum expiration of sentence — never delinquent.....	73	359	152	584
Maximum expiration of sentence — previously delinquent	11	8	11	30
Death — never delinquent.	7	11	2	20
Declaration of delinquency	235	203	165	603
Total removed from supervision.....	326	582	330	1,238
Restored to parole supervision by:				
Cancellation of delinquency.....	8	7	6	21
Reparole.....	75	35	25	135
Total restored to supervision.....	83	42	31	156
TOTAL REMAINING UNDER SUPERVISION ON DECEMBER 31, 1942.....	288	351	52	691

CONDENSED TABLE FOR PERSONS RELEASED DURING 1940

	INDETERMINATE SENTENCE PRISONERS		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
RELEASED TO ORIGINAL SUPERVISION DURING 1940....	614	1,088	236	1,938
Removed from supervision by:				
Maximum expiration of sentence — never delinquent.....	37	304	43	384
Maximum expiration of sentence — previously delinquent.....	2	5	3	10
Death — never delinquent... .	6	14	1	21
Declaration of delinquency.....	231	301	119	651
Total removed from supervision.. . . .	276	624	166	1,066
Restored to parole supervision by:				
Cancellation of delinquency.....	9	12	5	26
Reparole.....	52	45	16	113
Total restored to supervision.....	61	57	21	139
TOTAL REMAINING UNDER SUPERVISION ON DECEMBER 31, 1942.....	399	521	91	1,011

• CONDENSED TABLE FOR PERSONS RELEASED DURING 1941

	INDETERMINATE SENTENCE PRISONERS		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
RELEASED TO ORIGINAL SUPERVISION DURING 1941.....	581	1,443	188	2,212
Removed from supervision by:				
Maximum expiration of sentence — never delinquent.....	29	233	16	278
Maximum expiration of sentence — previously delinquent.....	3	1	.....	4
Death — never delinquent.....	1	11	2	14
Declaration of delinquency... .	158	312	62	532
Total removed from supervision.....	191	557	80	828
Restored to parole supervision by:				
Cancellation of delinquency.....	4	8	2	14
Reparole.....	16	15	3	34
Total restored to supervision.....	20	23	5	48
TOTAL REMAINING UNDER SUPERVISION ON DECEMBER 31, 1942.....	410	909	113	1,432

STATISTICAL SUMMARY OF 2,702 PERSONS ORIGINALLY RELEASED ON PAROLE DURING 1942

	INDETERMINATE SENTENCE PRISONERS		DEFINITE SENTENCE PRISONERS	Total
	Elmira	Prisons		
RELEASED TO ORIGINAL SUPERVISION DURING 1942.....	587	1,872	243	2,702
Discharged during 1942:				
By maximum expiration of sentence.....	11	55	2	68
By death.....	2	4	.....	6
Total discharged during 1942.....	13	59	2	74
Declared delinquent during 1942:				
Absconded — not apprehended.....	6	32	7	45
In custody — disposition pending.....	4	12	3	19
Confined in an institution not under the jurisdiction of the Board of Parole.....	5	4	1	10
Returned on original sentence to State prison or Elmira Reformatory after having been arrested.....	8	11	5	24
Returned on original sentence to State prison or Elmira Reformatory after absconding.....	2	14	1	17
Returned on original sentence to State prison or Elmira Reformatory after general violation of parole.....	11	39	15	65
Returned to State prison with new sentence after conviction of subsequent felony...	7	3	2	12
Total declared delinquent during 1942..	43	115	34	192
Total removed from supervision by maximum expiration of sentence, death or delinquency during 1942....	56	174	36	266
Restored to parole supervision by re-parole..	1	1	.....	2
TOTAL NUMBER OF INDIVIDUALS REMAINING IN GOOD STANDING ON DECEMBER 31, 1942.	532	1,699	207	2,438

COMPARISON OF EXPERIENCES WITH RELEASES OF THE NINE YEARS

On December 31, 1942, there were available the accumulated experiences of the releases of nine consecutive years—1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941 and 1942. The periods for which these groups were under observation differ by steps of one year; the 1934 releases having been under observation for eight and one-half years; the releases of 1935 for seven and one-half years; the releases of 1936 for six and one-half years; those of 1937 for five and one-half years; 1938 releases for four and one-half years; 1939 releases for three and one-half years; the releases of 1940 for two and one-half years; the releases of 1941 for one and one-half years; and the releases of 1942 for half a year.

PERCENTAGE OF PERSONS PLACED UNDER SUPERVISION REMAINING AT THE END OF EACH YEAR

	YEAR OF RELEASE									
	1934	1935	1936	1937	1938	1939	1940	1941	1942	
At end of year of release.	86 7	85 3	86 5	81 8	87 6	85.8	87 0	85.4	90.2	
At end of one calendar year following year of release.....	60.1	59.6	55.4	60 0	65.1	63.5	64.6	64.7	....
At end of two calendar years following year of release.....	45.8	41.3	41 5	45.4	46 3	50.4	52.2	....	....
At end of three calendar years following year of release.....	33.3	32.5	31.3	33.1	36.8	39.0	....	....	....
At end of four calendar years following year of release.....	25.3	24.4	25.9	27.7	33.6	....	....	....	....
At end of five calendar years following year of release.....	22.0	20.3	23.8	20.2	....	....	....	....	....
At end of six calendar years following year of release.....	18.8	18.0	16.4	....	....	....	....	....	....
At end of seven calendar years following year of release.....	18.0	11.0	....	....	....	....	....	....	....
At end of eight calendar years following year of release.....	11.4	....	....	....	....	....	....	....	....

The persons remaining under parole supervision are those who were released to original supervision during the year, minus all individuals removed by expiration of sentence, by death, or through declarations of delinquency. To these figures are added the restorations to parole status by cancellation of delinquency and by the subsequent release of violators after they had been reincarcerated for a period of time.

The largest number of removals from supervision were those whose terms had expired, and those who were declared delinquent. These two groups are analyzed further in accordance with the developments during each succeeding year following that of release. The percentages of the original releases who were removed from supervision by expiration of sentence are given here:

PERCENTAGE OF PERSONS REMOVED FROM SUPERVISION
BY EXPIRATION OF MAXIMUM SENTENCES

	YEAR OF RELEASE								
	1934	1935	1936	1937	1938	1939	1940	1941	1942
At end of year of release	2 2	3 3	3 1	2 0	2 2	2 9	2 4	2 4	2 5
At end of one calendar year following year of release	13 9	17 0	15 8	13 4	10.9	12 4	11 3	12.7	. .
At end of two calendar years following year of release	25 5	25.7	25 7	23 5	21.9	21.1	20 3	....	..
At end of three calendar years following year of release	37.8	33 6	35 2	33.5	31 6	34.6	.	....	....
At end of four calendar years following year of release	45.4	41 6	40 8	40 0	37 3	. . .	. .	..	....
At end of five calendar years following year of release	48 2	45 9	43 3	48 5	....	....	.	....	....
At end of six calendar years following year of release	51.1	49 2	52 4	....	....	. . .	..	....	....
At end of seven calendar years following year of release	53.4	57 4	...	....	....	....		..	....
At end of eight calendar years following year of release	61.8	...	...	....	..	..	....	....	....

The delinquency ratios for all of the original releases to supervision at the end of successive years, are given below:

PERCENTAGE OF DECLARATIONS OF DELINQUENCY TO TOTAL
ORIGINAL RELEASES TO PAROLE SUPERVISION

	YEAR OF RELEASE									
	1934	1935	1936	1937	1938	1939	1940	1941	1942	
At end of year of release.	11 0	11 6	10 3	15 9	9 9	11 2	10 5	12 1	7.1	
At end of one calendar year following year of release.....	27.7	25.1	29.4	26.7	24 1	24.5	25.3	24.1	. . .	
At end of two calendar years following year of release.....	35 1	36 7	36 0	32.4	33.2	30.7	33.6	....	....
At end of three calendar years following year of release.....	40.3	41.3	39.2	37.6	37.7	34.0	....	....	. .
At end of four calendar years following year of release.....	43.5	43.3	41.4	39.9	40.0	....	....	....	....

COMPARISON OF EXPERIENCES WITH RELEASES OF NINE YEARS 213

	YEAR OF RELEASE								
	1934	1935	1936	1937	1938	1939	1940	1941	1942
At end of five calendar years following year of release.....	45 5	45.0	43.3	41 7	..	....	..	....	....
At end of six calendar years following year of release. . .	47.2	45.9	44 7	..	..	....	..	....	..
At end of seven calendar years following year of release. . .	48.0	46.8		..	..	....	..	....	....
At end of eight calendar years following year of release . . .	48 8	....	....	..	..	....	..	....	....

For more detailed comparison, there is given below for each type of prisoner released to parole supervision, the percentage of declarations of delinquency:

PERCENTAGE OF DECLARATIONS OF DELINQUENCY TO TOTAL ORIGINAL RELEASES TO PAROLE SUPERVISION FOR EACH TYPE OF PRISONER RELEASED

	YEAR OF RELEASE								
	1934	1935	1936	1937	1938	1939	1940	1941	1942
At end of year of release									
Elmira parolees.	8 1	8.1	8.2	15.0	8.0	7.9	10.8	13.6	7.3
Indeterminate sentence parolees	8 2	8 6	7.7	12 5	8 1	7 4	8.4	10.8	6.1
Definite sentence prisoners	18 4	21 1	19 2	24 6	16.4	25 6	19.5	17.0	14.0
At end of one calendar year following year of release.									
Elmira parolees	25 2	21.8	25 8	26.0	25.4	29.4	27.5	27.2	....
Indeterminate sentence parolees..	23 2	20 5	25 1	21.9	18.0	16.2	21.0	21.6	....
Definite sentence prisoners	37 8	37 5	44.1	38.4	35.4	38.2	39.4	33.0	....
At end of two calendar years following year of release:									
Elmira parolees	33 5	35 0	34.1	31.8	38 1	38.8	37.6	..	..
Indeterminate sentence parolees..	30 8	31 2	31.3	28.7	25 7	20.4	27.7	..	..
Definite sentence prisoners	44 3	49.3	49.8	41.7	42.6	44.4	50.4	..	..
At end of three calendar years following year of release									
Elmira parolees	40 1	40.4	38 6	42.5	44.8	44.3	..	..	....
Indeterminate sentence parolees	35.8	35 1	34 2	32.3	29.3	22.8	..	..	....
Definite sentence prisoners	48 7	54 3	51.8	43.5	46.2	47.0	..	..	....
At end of four calendar years following year of release									
Elmira parolees	44 5	43.1	42.1	44.8	48.5	..	..	..	....
Indeterminate sentence parolees..	38.9	36.9	36 0	34.1	30.7	..	..	..	....
Definite sentence prisoners..	50.7	55.9	53.7	47.1	48 5	..	..	..	....
At end of five calendar years following year of release									
Elmira parolees	47 5	45.4	44 9	48.7	..	..	..	..	..
Indeterminate sentence parolees	41.2	38 3	38.1	35.1	..	..	..	..	..
Definite sentence prisoners	51 4	57.7	53.9	47.8	..	..	..	..	..
At end of six calendar years following year of release:									
Elmira parolees	51.7	47.3	46.7	..	..	..	..	..	..
Indeterminate sentence parolees	42.3	39.2	39.2	..	..	..	..	..	..
Definite sentence prisoners	51.9	57.5	55.7	..	..	..	..	..	..
At end of seven calendar years following year of release:									
Elmira parolees	52.7	49.0	..	..	..	..	..	..	..
Indeterminate sentence parolees..	43.0	40.0	..	..	..	..	..	..	..
Definite sentence prisoners	52.5	58.1	..	..	..	..	..	..	..
At end of eight calendar years following year of release:									
Elmira parolees	54.5	..	..	..	..	..	..	..	..
Indeterminate sentence parolees..	43.6	..	..	..	..	..	..	..	..
Definite sentence prisoners.....	52.9	..	..	..	..	..	..	..	..

OPINIONS OF THE DEPARTMENT OF LAW

OPINIONS OF THE DEPARTMENT OF LAW

"March 25, 1942

"This is to acknowledge receipt of your letter of March 24th with relation to the above inmate.

"In reply thereto I have to advise you that at the time the Parole Board reparaoled Lovaglia upon his Elmira sentence, it did so to allow him to commence service of the 35 to 70 year term under which Lovaglia had then been sentenced. The subsequent reversal by the Appellate Division erased the conviction and voided the 35 to 70 year term. The Parole Board's action, therefore, was in effect voided by the subsequent action of the Appellate Division.

"Upon Lovaglia's being received in prison under the 9 to 10 year term, he is to be considered for all purposes as one so being received for the first time. No action taken prior to the reversal of his conviction by the Appellate Division shall be deemed to be binding upon either the Parole Board, the Correction Department or Lovaglia. His new conviction should be treated as a new conviction for all purposes. The Correction Department should notify the Parole Board that he has been received in prison under the 9 to 10 year sentence and the Parole Board should meet to determine what portion, if any, of his Elmira time it shall charge him with.

"The time spent by Lovaglia in prison under the voided 35 to 70 year sentence is being credited to him as jail time upon his new 9 to 10 year term.

"There is no analogy between a case of this type and a case where the Parole Board has paroled an inmate in order to allow him to commence service of time in lieu of the payment of a fine. In the latter case, the Parole Board acts knowing that the inmate may be released at any time upon his payment of the fine or the remaining portion thereof. The Parole Board also knows in such a case that the sentencing court may at any time before complete service of the fine time remit all or part of it without in any way diminishing the prisoner's culpability in the commission of the crime. The subsequent payment of a fine or a portion thereof by an inmate or the remittance of the fine, or a portion thereof, by the sentencing court does not in any way void that inmate's original conviction and sentence.

"In the case of Lovaglia, however, or in any case where a conviction has been reversed, the reversal acts as a avoidance of all steps previously had in connection with the conviction and for all purposes the inmate is again cloaked with the presumption of innocence unless and until he is subsequently, upon a new trial, convicted."

"September 28, 1942

"Your letter of August 15 requests my advice with respect to the duty of the Parole Board in connection with a number of anticipated problems concerning New York State parolees inducted into the armed forces. These have to do with the obligations of the Board in the event that charges of the commission of criminal

offenses are made against parolees while they are under military jurisdiction.

"Persons such as parolees under the supervision of the Division of Parole, 'being retained in the custody of any court of criminal jurisdiction or other civil authority', except those having been convicted of certain enumerated heinous crimes, must be classified in Class 1-A by their local Selective Service Boards, if otherwise qualified, and such Boards must then apply for an order terminating or suspending such custody for the period of military service (Selective Service Regulations 622.61). You have in your department memorandum of January 27, 1942, in accordance with this regulation, adopted a procedure whereby a parolee inducted under Selective Service is required to sign an acknowledgment of his supervision by the Division of Parole and of the necessity that he report upon termination of his military service, if prior to the expiration of his maximum sentence. A member of the Board then signs and acknowledges an order directing the suspension of active supervision during the parolee's term of military service.

"Such necessary suspension of direct supervision does not relieve the Board of carrying out its duties within such limitations as are imposed by military jurisdiction over the parolee. Certain basic considerations of the extent of such jurisdiction affect each of your specific inquiries. Under the Seventy-fourth Article of War (10 U. S. C. 1546) persons subject to military law accused of a crime or offense committed within the United States or District of Columbia and punishable by the law of the land must be delivered over to the civil authorities on proper demand, 'except in time of war'. The jurisdiction of military courts over persons in the military service does not exclude that of civil tribunals but is concurrent therewith. The exception in Article 74 does not prohibit delivering to civil authorities in time of war, but permits the Army to retain men in the military forces, if their services are required, and persons may not be taken from the Army by civil process without the consent of the military authorities (*Coleman v. Tenn.*, 97 U. S. 509; *United States v. Hirsch*, 254 Fed. 109; *People v. Denman*, 179 Cal. 497, 177 Pac. 461).

"Your first question assumes that a parolee in the Army is to be tried by a military court for a felony or misdemeanor, and asks whether he should be formally declared delinquent, although you state that the Army authorities have advised that such action should not be taken since the man is entirely within military jurisdiction. Section 218 of the Correction Law requires that the Board of Parole declare a parolee delinquent whenever there is reasonable cause to believe that he has violated his parole, and such delinquency will determine the time which must then be served by the parole violator on the sentence from which he had been released. The declaration of delinquency merely fixes his obligation to the State and does not interfere with military jurisdiction over him in any way. Accordingly, the Board must carry out the duty imposed on it by Section 218 where it believes that the terms of parole have been breached. As to the issuance of a warrant, the statute is likewise mandatory

(§216) but cannot operate to compel the acceptance of such a warrant or compliance therewith by the military authorities who have paramount control over those within their jurisdiction. You state that the Army does not wish such warrants to be lodged, but that its cooperation has been such that custody of a parolee can be easily regained in the event of his discharge from the Army. Under such circumstances, you would appear to be powerless to have a warrant lodged with the Army authorities but you should give them notification of its issuance.

"Your remaining questions concern the situation where an inducted parolee is to be tried upon a charge of felony or misdemeanor by a civil court. Your duty with respect to the declaration of delinquency, if reasonable ground exists, will be the same. Moreover, since the inducted parolee will have been turned over to the civil authorities, you should also issue and lodge your warrant in the normal manner. This is of particular importance in the event of conviction of a felony within this State, for in such case Section 219 of the Correction Law requires that before commencing the sentence imposed thereon, the remaining portion of the sentence on which the person was released on parole must be served, and in case of conviction under the laws of another jurisdiction of an offense which would be a felony if committed here, such unexpired sentence must be served upon being returned to this State. Where the charges are dismissed in the civil court, however, you will have no authority to return a parolee even though he has been properly and necessarily declared delinquent, inasmuch as he would then appear to revert to Army jurisdiction, not having been discharged or released therefrom for all purposes but only for trial by a civil court on a specified charge of crime. In the absence of an absolute discharge or a release by the military authorities, you may not retake a parole violator in the armed forces for return to a New York correctional institution.

"In answer to your last question, the retention in military service of a parolee, against whom charges have been dismissed by the civil courts, does not require cancellation of your declaration of delinquency if it remains the determination of the Board that there has been a violation of parole. The liability to military service does not alter the basis for such declaration nor make it impossible to engage in conduct violative of the terms upon which a prisoner was released. The duty of the Board in this respect must be carried out since such declaration, as pointed out above, does not of itself impair the Army's full authority over military personnel in any way."

"November 23, 1942"

"This is to acknowledge receipt of your letter of November 10th in which you ask my opinion with reference to the application of Section 281 of the Correction Law insofar as it relates to a person sentenced to the Elmira Reformatory and thereafter transferred to a State prison.

"A person sentenced to the Elmira Reformatory may, under the provisions of Section 281 of the Correction Law, be absolutely dis-

charged by the Parole Board, if, in its judgment, there is a strong or reasonable probability that such prisoner will remain at liberty without violating the law and that his or her release is not incompatible with the welfare of society. Your question relates to an Elmira inmate who has been transferred to a State prison and you specifically ask whether such an inmate can be granted a discharge in the same manner as though he had continued to remain an Elmira inmate and had not been transferred to a State prison.

"Section 293 of the Correction Law provides for the transfer of prisoners from the Elmira Reformatory to a State prison. That section provides, in part:

'* * * A prisoner so transferred shall be confined in such prison as under an indeterminate sentence, commencing with his imprisonment in the reformatory with a minimum of one year and a maximum fixed by law for the crime of which the prisoner was convicted and sentenced; and may be released on parole or *absolutely discharged* as are other prisoners confined under an indeterminate sentence. Such prisoner may be returned at any time to the reformatory in the discretion of such commissioner.' (Italics mine)

"It is my opinion, therefore, that by virtue of the provisions of Section 293 of the Correction Law, an Elmira inmate who has been transferred to a State prison shall be regarded for parole and discharge purposes as one who is entitled to the benefits of parole and discharge accorded all Elmira inmates."

"November 23, 1942

"This is in reply to your letter of November 12 wherein you refer to my opinion to your Board of September 28, 1942, and, with reference to one of the problems discussed therein, inquire whether it is mandatory that you notify the military authorities of the issuance of a warrant against a parole violator in the armed forces or whether you may simply advise them that he will be under your jurisdiction upon his discharge from military service and request that you be given notification in advance thereof. The latter course would be in deference to the Army's policy and in reliance upon its excellent cooperation heretofore, from which it appears there would be no difficulty in gaining custody of a parolee upon his discharge.

"It was not held in the prior opinion that notice to the Army authorities of the issuance of a warrant was a mandatory requirement of the statute as in the case of the declaration of delinquency and issuance of the warrant. These latter can both be carried out without interference with the Army's plenary jurisdiction over its personnel in time of war. Within this limitation, however, it is, of course, incumbent upon you to have the warrant executed, but the prior opinion merely intended to indicate the direction of your duty in this respect and not an absolute requirement thereof. The procedure suggested does not appear to be beyond the administrative authority of the Board to adopt."

IMPORTANT COURT DECISIONS AFFECTING PAROLE

IMPORTANT COURT DECISIONS AFFECTING PAROLE

We will, in each Annual Report beginning with 1942, publish court decisions affecting parole in some important manner. These will be printed in the Annual Report for the year in which the final court action was taken. It is felt such a record will complement opinions of the Department of Law, the two together constituting up-to-date competent legal opinion concerning parole administration or law, as arrived at by properly authorized bodies..

Court of Appeals

The People of the State of New York ex rel. Angelo Natoli, Respondent, v. Neil D. Lewis as Sheriff of Chenango County, Appellant, and the People of the State of New York, Appellant. Decided March 5, 1942.

"Appeal from an order of the Appellate Division of the Supreme Court in the third judicial department, entered July 7, 1941 which reversed, on the law and the facts, an order of the Court at Special Term (McNaught, J.) held in and for the county of Tompkins, dismissing a writ of habeas corpus and remanding the relator to the custody of the Sheriff of Chenango county. The Appellate Division sustained the writ and directed the discharge of the relator.

"Appeal, also, from an order of the same Appellate Division, entered March 5, 1941, which granted a motion by the relator for an order fixing bail for the relator pending determination by the Appellate Division of the foregoing appeal from the order of the Special Term dismissing the writ of habeas corpus.

"John J. Bennett, Jr., Attorney-General (Henry Epstein, Everett D. Mereness and Patrick H. Clune of counsel), for appellants.

"William J. Gordon for respondent.

"CONWAY, J. On the face of the facts disclosed by this proceeding, the applicable rules of law seem potentially harsh but are, nevertheless, so clear that they must be followed. The facts are these: In May of 1932 the relator was convicted of the crime of burglary in the third degree and was sentenced to Elmira Reformatory. The maximum term of imprisonment possible under that conviction was ten years. He was paroled in December, 1933, and continued to be on parole until August, 1940, when he was arrested, and subsequently indicted, for the crime of robbery in the first degree. Three months later a jury in the County Court of Chenango County rendered a verdict of not guilty upon his trial on the indictment.

"In the meantime, and on the day following relator's arrest, a warrant was issued for his retaking as a paroled prisoner by a member of the Board of Parole and was delivered to the Sheriff of Chenango county.

"The warrant recited that the member of the Board of Parole had 'reasonable cause to believe that Angelo Natoli, a prisoner of

the State of New York, conditionally paroled from Elmira Reformatory and now in the legal custody of the Warden or Superintendent thereof, has violated his parole and has lapsed or is probably about to lapse, into criminal ways or company * * * and ordered that the prisoner be retaken and returned to Elmira Reformatory and into the actual custody of the warden or superintendent.

"The warrant was issued under the following circumstances: The Chief of Police of Norwich, N. Y., telephoned an employee of the Parole Board in Binghamton, N. Y., and told him that the relator was being held on an information charging robbery in the first degree. The employee telephoned that fact to a member of the Board of Parole in Buffalo, N. Y., who signed and issued the warrant.

"After the acquittal of relator, the present proceeding was instituted to obtain his release. No formal return to the writ was filed, the facts being undisputed, and the matter was heard summarily by consent upon those undisputed facts. The question presented to us involves the question of the power of the member of the Parole Board to issue the warrant.

"It was issued pursuant to the provisions of Correction Law (Cons. Laws, ch. 43), and section 216, which is mentioned therein. That section reads as follows:

'Violation of parole. If the parole officer having charge of a paroled prisoner shall have reasonable cause to believe that such prisoner has lapsed, or is probably about to lapse, into criminal ways or company, or has violated the conditions of his parole in an important respect, such parole officer shall report such fact to a member of the board of parole who thereupon shall issue a warrant for the retaking of such prisoner and his return to the designated prison or the Elmira Reformatory.'

"Clearly the arrest or indictment of a paroled prisoner may constitute reasonable cause in the mind of a parole officer having charge of a paroled prisoner that he has lapsed or is probably about to lapse into criminal ways or company and if such attitude of mind causes him to report such belief to a member of the Board of Parole there is no discretion vested in the latter by the statute but he must issue a warrant for the retaking of the prisoner. Certainly the average man would say that arrest upon such a serious charge as robbery in the first degree demonstrated reasonable cause. Jurisdiction once obtained cannot be lost by reason of a subsequent finding of a jury that guilt of the crime charged had not been established beyond a reasonable doubt. We cannot go behind the parole warrant, in considering this question of power, to determine whether the arrest on that charge should have constituted reasonable cause in the mind of the parole officer.

"To appreciate the reason for the statutory provisions it must be borne in mind that the relator was a prisoner from the date of his conviction until the date of his arrest in 1940 for robbery. He was always in the legal custody of the superintendent of Elmira

Reformatory. (Correction Law, § 213) True it is that he was not always within the institution walls, for during his parole he was permitted to go abroad. Nevertheless he was always in constructive custody subject to be retaken and returned to actual custody. (People ex rel. Cicere v. Jennings, 250 N. Y. 239) He was panoplied with a presumption of innocence as to the robbery charge but not as to the burglary charge for which he had been convicted and upon which his sentence had not expired.

"We conclude, therefore, that the power to issue the warrant existed and that as a prisoner the relator might be returned on that warrant to the actual custody of the superintendent of Elmira Reformatory subject to the consideration of his case by a parole court as provided in Correction Law, section 218. That does not constitute a second jeopardy for the crime of robbery. The confinement is on the sentence for burglary. We must assume that the parole court will act promptly and justly upon the facts presented.

"The writ is dismissed and the relator remanded to the Sheriff of Chenango County.

"The order of the Appellate Division sustaining the writ of habeas corpus should be reversed and the order of Special Term dismissing such writ and remanding the relator to custody affirmed.

"The appeal from the order of the Appellate Division fixing bail should be dismissed.

"LEHMAN, Ch. J., LOUGHRAN, FINCH, RIPPEY, LEWIS and DESMOND, JJ., concur.

"Ordered accordingly."

Supreme Court, Appellate Division, Third Judicial Department

In the Matter of the Application of Clifford R. Canfield, Respondent, v. Vernon A. Morhous, as Warden, John Coughlin, as Principal Keeper, Royal E. La Grange, M.D., as Physician, and Kenneth M. Baker, as Assistant Superintendent of Industries, all at Great Meadow Prison, Comstock, New York, Appellants. Decided November 11, 1942.

"Order reversed on the law and facts and petition dismissed without costs.

"Opinion by Foster, J.

"Crapser, Bliss and Schenck, J. J., concur.

"Hill, P. J., concurs in the result.

"Appeal from order which directed appellants to meet and make a report of reduction in time to be served by respondent as an inmate of Great Meadow Prison.

"John J. Bennett, Jr., Attorney General of the State of New York (Everett D. Mereness and Bernard L. Alderman, Assistant Attorneys-General, of Counsel), O. and P. O. Address, the Capitol, Albany, N. Y.

"Clifford R. Canfield, Petitioner in Person, Great Meadow Prison, Comstock, N. Y.

Opinion for Reversal

"FOSTER, J. The appellants, constituting the Prison Board of Great Meadow Prison, appeal from an order which, among other things, directs them to meet and make a report of reduction in time to be served by respondent as an inmate of Great Meadow Prison for good conduct and efficient performance of duties.

"Respondent's petition is contradicted in many particulars, and so are many of the allegations in appellants' answer. No testimony was taken, but these facts appear to be undisputed. On May 3, 1935, respondent was convicted in the Albany County Court of juvenile delinquency for the commission of burglary in the third degree. He was then sixteen years of age, and was sentenced for an indefinite period to the State Vocational Institution at Cossackie, New York, where he remained until September 2, 1936, when he was paroled. At the time of his conviction the maximum punishment for burglary in the third degree was imprisonment for ten years.

"It is alleged in the answer to the petition, but denied by respondent, that he was declared a delinquent or parole violator on November 1, 1936, and then owed eight years, three months and twenty-five days on his indefinite sentence to the Vocational Institution. There is no proof of this allegation in the record except the order of transfer by the Commissioner of Correction.

"On March 2, 1937, he was again convicted of a felony in the Albany County Court, that of attempted burglary, third degree, as a second offender, and sentenced to Clinton State Prison for a period of not less than five or more than ten years. After he was taken to Clinton Prison, and on February 7, 1938, nearly a year later, the Commissioner of Correction made an order directing his transfer from Cossackie to Clinton Prison, although he was then confined in the latter place, and attached to this order was a statement to the effect that respondent was a parole violator and owed eight years, five months and twenty-five days delinquent time. On March 12, 1940, the Parole Board allowed respondent to commence the service of his second sentence and he entered into an agreement with the Parole Board to that effect. The Board's order is not in the record but there seems to be no dispute over the fact that it so acted. In effect then respondent was charged with and compelled to serve a little over three years of his Cossackie sentence in Clinton Prison.

"Respondent's chief argument is that the Parole Board had no jurisdiction over him in so far as the sentence to Cossackie was concerned, and that with relation to such sentence he was solely under the jurisdiction of the Superintendent of that institution. Under Article 13-A, Section 338 of the Correction Law, the Commissioner of Correction is empowered to adopt such rules and regulations as he may deem necessary, not inconsistent with the law, to provide for the parole and discharge of persons legally committed to a vocational institution. This provision has been in the Statute (formerly Section 339, Chapter 528, Laws of 1932) ever since a

vocational institution was created. The power thus given to the Commissioner is very broad, and we see no reason why he may not use the agency of the Parole Board to regulate the parole and discharge of prisoners from Cocksackie. We must assume that he has done so in dealing with appellant, and has acted within the broad statutory scope of his powers and duties. We must also assume that the Commissioner had sufficient reason to direct a transfer from Cocksackie to Clinton Prison since respondent had been convicted of a second felony. The fact that he was not physically at Cocksackie at the time the order of transfer was made does not affect its validity. (*People ex rel Coppola v Brophy, Warden, etc.*, 254 A. D. 641; *aff'd* 280 N. Y. 778).

“The order should be reversed and the petitioner dismissed without costs.”

APPROPRIATIONS

Appropriations Granted the Division of Parole by the Legislature

(Chapter 90, Laws of 1942, Part I)

Personal Service		\$533,820.00
Maintenance and operation		90,970.00
Traveling expense	\$57,350.00	
General expense	8,040.00	
Printing and advertising	5,000 00	
Communication	12,000.00	
Fuel, light, power and water	25 00	
Household, laundry and refrigerating supplies and expense	250.00	
Special supplies and expense	1,250 00	
Rentals	3,600.00	
Equipment-replacements	1,550 00	
Equipment-additional	1,905.00	
	<hr/>	
Grand total		<u>\$624,790 00</u>

STATISTICS

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STATISTICAL SUMMARY

	ON INDETERMINATE SENTENCES				DEFINITE SENTENCES		TOTAL	
	Elmira		Prisons					
	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent
Number under supervision on January 1, 1942:								
Active supervision	3,099	97 3	4,234	81 9	579	86 7	7,912	87 7
Deportation cases	48	1 5	291	5 6	39	5 8	378	4 2
Warrant cases	24	0 7	60	1 2	36	5 4	120	1 3
Repatriation cases	15	0 5	81	1 6	3	0 5	99	1 1
Serving new or additional sentences			503	9 7	11	1 6	514	5 7
Total number under supervision on January 1, 1942	3,186	100 0	5,169	100 0	668	100 0	9,023	100 0
Released during 1942 to active supervision								
On original release	587	68 5	1,872	87 3	243	79 2	2,702	81 7
On re-release (first)	220	25 7	230	10 7	54	17 6	504	15 2
On re-release (second)	45	5 2	39	1 8	9	2 9	93	2 8
On re-release (third)	4	0 5	3	0 1	1	0 3	8	0 2
On re-release (fourth)	1	0 1	1	0 1			2	0 1
Total released to active supervision	857	100 0	2,145	100 0	307	100 0	3,309	100 0
Released during 1942 for deportation:								
On original release	1	100 0	31	100 0	10	90 9	42	97 7
On re-release					1	9 1	1	2 3
Total released for deportation	1	100 0	31	100 0	11	100 0	43	100 0
Released during 1942 to meet warrant								
On original release	46	82 1	134	95 7	13	100 0	193	92 3
On re-release	10	17 9	6	4 3			16	7 7
Total released to meet warrants	56	100 0	140	100 0	13	100 0	209	100 0
Released during 1942 for repatriation.								
On original release			2				2	
Permitted during 1942 to start serving new or additional sentences			93		2		95	
Restored to supervision status through cancellation of delinquency:								
Active supervision	36	92 3	43	97 7	16	100 0	95	96 0
Deportation cases	2	5 1	1	2 3			3	3 0
Repatriation cases	1	2 6					1	1 0
Total restored to supervision status	39	100 0	44	100 0	16	100 0	99	100 0
Total of all persons under jurisdiction for all or part of 1942.								
Active supervision	3,992	96 4	6,422	84 3	902	88 7	11,316	88 5
Deportation cases	51	1 2	323	4 2	50	4 9	424	3 3
Warrant cases	80	2 0	200	2 6	49	4 8	329	2 6
Repatriation cases	16	0 4	83	1 1	3	0 3	102	0 8
Serving new or additional sentences			596	7 8	13	1 3	609	4 8
GRAND TOTAL	4,139	100 0	7,624	100 0	1,017	100 0	12,780	100 0
Discharged during 1942 by expiration of maximum term								
Active supervision	1,144	99 3	873	84 4	124	81 1	2,141	91 5
Deportation cases	6	0 5	55	5 3	13	8 5	74	3 2
Warrant cases	1	0 1	6	0 6	12	7 8	19	0 8
Repatriation cases	1	0 1	9	0 9	2	1 3	12	0 5
Serving new or additional sentences			91	8 8	2	1 3	93	4 0
Total discharged by maximum expiration	1,152	100 0	1,034	100 0	153	100 0	2,339	100 0
Discharged during 1942 by death:								
Active supervision	9	100 0	36	97 3			45	97 8
Deportation cases			1	2 7			1	2 2
Total discharged by death	9	100 0	37	100 0			46	100 0
Removed during 1942 by declaration of delinquency:								
Active supervision	298	99 4	469	99 4	136	98 6	903	99 3
Deportation cases			3	0 6			3	0 3
Warrant cases	1	0 3			2	1 4	3	0 3
Repatriation cases	1	0 3					1	0 1

STATISTICAL SUMMARY — (Concluded)

	ON INDETERMINATE SENTENCES				DEFINITE SENTENCES		TOTAL	
	Elmira		Prisons					
	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent	Num- ber	Per cent
Total removed by declaration of delinquency	300	100 0	472	100 0	138	100 0	910	100 0
Grand total discharged or removed from supervision	1,461	.. .	1,543	.	291		3,295	..
Number under jurisdiction on December 31, 1942.*								
Active supervision	2,580	96.3	5,179	85.2	662	91 2	8,421	88 8
Deportation cases	45	1 7	254	4.2	28	3 9	327	3.5
Warrant cases	39	1 5	71	1.1	24	3 3	134	1.4
Repatriation cases	14	0 5	72	1 2	1	0.1	87	0 9
Serving new or additional sentences		.. .	505	8 3	11	1.5	516	5.4
GRAND TOTAL	2,678	100 0	6,081	100 0	728	100.0	9,485	100.0

* As a result of transfers between different types of cases (active, deportation, warrant and repatriation) adjustments have been made in the number of parolees under each type of supervision on December 31, 1942.

Active supervision received 194 from the other types
 Deportation cases lost 19 to the other types
 Warrant cases lost 173 to the other types
 Repatriation cases lost 2 to the other types

NUMBER OF PERSONS PLACED UNDER SUPERVISION BY YEARS, FROM THE STATE PRISONS AND ELMIRA REFORMATORY—ORIGINAL PAROLES AND REPAROLES

YEAR ENDING	PRISONS		Elmira Re- formatory	Total
	Inde- terminate sentences	Definite or com- muted sentences*		
June 30, 1919	957	.. .	725	1,682
June 30, 1920	1,011	.. .	762	1,773
June 30, 1921	861	.. .	780	1,641
June 30, 1922	929	523	749	2,201
June 30, 1923	1,090	646	901	2,637
June 30, 1924	1,078	652	523	2,253
June 30, 1925	1,064	637	453	2,154
June 30, 1926	1,172	670	724	2,566
June 30, 1927	1,132	708	772	2,612
June 30, 1928	1,077	658	796	2,531
June 30, 1929	1,032	520	515	2,067
June 30, 1930	1,373	460	593	2,426
July 1, 1930 to December 31, 1930	505	202	424	1,131
December 31, 1931	1,346	435	1,065	2,846
December 31, 1932	1,312	471	1,097	2,880
December 31, 1933	1,509	392	770	2,671
December 31, 1934	1,819	965	910	3,694
December 31, 1935	1,350	684	726	2,760
December 31, 1936	1,389	589	696	2,674
December 31, 1937	1,257	577	632	2,466
December 31, 1938	1,139	501	737	2,377
December 31, 1939	1,123	443	695	2,261
December 31, 1940	1,379	306	779	2,464
December 31, 1941	1,808	270	807	2,885
December 31, 1942	2,318	331	914	3,563

* The Board of Parole, in the cases of definite or commuted sentence prisoners, has no authority to grant or withhold release. When these prisoners agree in writing to accept supervision for the period of time for which their sentences have been reduced through the operation of "good time" laws, they must be released.

PRISONERS RELEASED FROM THE STATE PRISONS AND ELMIRA REFORMATORY DURING 1942 AND PLACED UNDER THE JURISDICTION OF THE DIVISION OF PAROLE, BY INSTITUTIONS AND BY DISTRICTS ASSIGNED SUPERVISION

INSTITUTIONS	Inde- terminate	Definite	Total
Attica	414	77	491
Auburn	293	75	368
Clinton	337	88	425
Great Meadow	377	48	425
Sing Sing	588	34	622
State Prison for Women	69	...	69
Wallkill	223	9	232
Woodbourne	16	.....	16
Herkimer County Jail	1	.....	1
Elmira	914	.....	914
TOTAL	3,232	331	3,563

DISTRICTS	Inde- terminate	Definite	Total
Albany	262	35	297
Buffalo	553	86	639
New York	1,900	164	2,064
Out of State	287	22	309
Deported	32	11	43
Warrant	196	13	209
Repatriation	2	.....	2
TOTAL	3,232	331	3,563

RELEASES BY MONTHS OF INMATES OF THE STATE PRISONS AND THE ELMIRA REFORMATORY DURING 1942

INDETERMINATE SENTENCE PRISONERS

MONTH	Herkimer County Jail *	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wall- kill	Wood- bourne	Elmira	Total
January		23	13	24	18	21	1	15	1	43	159
February		25	21	25	26	48	7	16	1	51	220
March	1	27	14	9	5	29	7	12	4	68	176
April		26	21	25	25	39	3	19	1	71	230
May		64	25	33	34	36	1	22	2	106	323
June		20	19	22	33	53	7	24	1	89	273
July		59	19	28	35	51	7	23	.....	47	269
August		16	10	15	14	20	3	14	.....	81	173
September		33	30	28	37	48	6	26	3	74	286
October		37	37	28	33	46	11	10	1	152	360
November		31	28	31	35	50	4	20	1	65	265
December		53	56	69	72	146	12	22	1	67	498
TOTAL	1	414	293	337	377	588	69	223	16	914	3,232

* Released by Governor's commutation on condition he be under supervision for the unexpired balance of his term. The Board of Parole has no paroling jurisdiction over this institution.

RELEASES BY MONTHS OF INMATES OF THE STATE PRISONS DURING 1942

DEFINITE OR COMMUTED SENTENCE PRISONERS

MONTH	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wall- kill	Wood- bourne	Total
January...	4	8	6	3	4		1		26
February . .	3	3	3	1	3		2		15
March . . .	6	5	3	6	1		1		22
April...	4	8	8	4	3		2		29
May . .	6	7	13	4	5		1		36
June..	8	7	11	2			1		29
July . . .	13	6	6	7	1		1		34
August	6	5	8	3	5				27
September .	4	7	6	5	3	..			25
October . .	9	5	9	7	3	..			33
November .	7	10	3	4	..	..	..		24
December . .	7	4	12	2	6	....			31
TOTAL	<u>77</u>	<u>75</u>	<u>88</u>	<u>48</u>	<u>34</u>	<u>.. ..</u>	<u>9</u>		<u>331</u>

CRIMES FOR WHICH INDETERMINATE SENTENCES WERE IMPOSED ON PERSONS PAROLED DURING 1942 FROM THE
STATE PRISONS AND ELMIRA REFORMATORY

	Herkimer County Jail	Attica	Auburn	Chilton	Great Meadow	Sing Sing	State Prison for Women	Wall- kill	Wood- bourne	Elmira	Total	Per cent
CRIME												
Assault, first degree	.	2	3	3	3	1	1	1	.	48	14	0.4
Assault, second degree	.	27	19	17	29	79	7	16	1	3	243	7.5
Attempted assault, second degree	.	3	5	6	5	18	1	.	.	3	41	1.3
Abandonment	.	12	2	2	.	10	.	10	.	3	39	1.2
Arson, first degree	...	3	1	1	1	1	.	6	.	1	2	0.5
Arson, second degree	2	1	1	.	7	11	0.4
Arson, third degree	.	.	.	1	.	1	1	.	.	4	2	0.1
Attempted arson, first degree	.	2	.	1	.	.	.	.	.	.	2	0.1
Attempted arson, second degree	4	0.1
Attempted arson, third degree	.	.	2	1	.	.	.	.	.	.	2	0.1
Bigamy	.	3	3	2	4	8	2	4	.	1	27	0.8
Burglary, first degree	.	.	3	2	1	1	.	.	.	2	8	0.3
Burglary, second degree	.	.	3	2	1	2	.	.	.	2	16	0.5
Burglary, third degree	.	61	23	35	28	43	1	26	1	225	443	13.7
Attempted burglary, first degree	1	.	.	.	.	.	.	1	0.2
Attempted burglary, second degree	...	13	19	22	24	39	.	7	1	57	182	5.6
Attempted burglary, third degree	...	8	7	8	5	13	.	7	1	14	55	1.7
Carrying concealed weapons	...	1	1	1	1	3	1	8	.	16	27	0.9
Criminal negligence	...	3	1	2	2	9	1	2	.	8	27	0.9
Criminally receiving stolen property	1	3	3	1	.	.	.	3	9	0.3
Extortion	1	4	1	.	.	.	.	1	0.3
Attempted extortion	...	1	.	.	.	.	.	.	.	.	1	0.3
Forgery, first degree	...	23	5	7	8	13	.	3	1	31	95	2.9
Forgery, second degree	...	4	3	3	1	5	2	3	...	.	19	0.6
Forgery, third degree	1	.	.	.	.	1	0.1
Attempted forgery, first degree	...	2	3	3	1	4	1	.	.	2	17	0.5
Attempted forgery, second degree	...	1	3	3	1	11	1	1	1	50	22	0.7
Attempted forgery, third degree	...	15	8	13	12	33	6	12	3	3	152	4.7
Grand larceny, first degree	...	54	22	20	22	63	11	35	1	89	317	9.8
Grand larceny, second degree	...	1	...	3	.	28	.	7	2	19	6	0.2
Attempted grand larceny, first degree	...	8	14	16	38	46	4	4	6	3	144	4.5
Attempted grand larceny, second degree	...	8	14	16	18	18	8	9	1	3	82	2.5
Manslaughter, first degree	...	8	6	6	8	8	4	.	.	.	50	1.6
Manslaughter, second degree	...	5	5	14	3	6	.	.	.	.	33	1.0
Murder, second degree	...	1	4	4	4	2	.	.	.	4	19	0.6
Possessing burglary instruments	...	4	1	1	2	.	.	1	..	4	13	0.4
Rape, first degree	...	12	7	7	2	12	.	9	..	22	74	2.3
Rape, second degree	1	5	2	.	1	.	3	14	0.4
Attempted rape, first degree	2	...	2	4	.	.	.	.	.	8	0.4

CRIMES FOR WHICH INDETERMINATE SENTENCES WERE IMPOSED ON PERSONS PAROLED DURING 1942 FROM THE
STATE PRISONS AND ELMIRA REFORMATORY — *Concluded*

	Herki- mer County Jail **	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wall- kill	Wood- bourne	Elmira	Total	Per cent
CRIMES												
Attempted rape, second degree.....	1	.....	1	2	3	.....	1	.....	4	12	0.4
Robbery, first degree.....	18	23	25	19	18	.....	7	.....	53	162	5.0
Robbery, second degree.....	48	27	26	50	20	.....	19	1	77	272	8.4
Robbery, third degree.....	20	22	23	45	34	1	16	.....	111	272	8.4
Attempted robbery, first degree.....	2	5	4	6	7	.....	.....	.....	13	37	1.2
Attempted robbery, second degree.....	12	1	6	7	.....	.....	.....	6	24	0.8
Attempted robbery, third degree.....	10	5	9	18	.....	.....	.....	31	77	2.4
Others.....	36	16	34	11	21	.....	3	2	14	146	4.5
TOTAL.....	1	414	293	337	377	588	69	223	16	914	3,232	100.0

* Less than one-tenth of one per cent.

** Released by Governor's commutation on condition he be under supervision for the unexpired balance of his term. The Board of Parole has no jurisdiction over this institution.

CRIMES FOR WHICH DEFINITE SENTENCES WERE IMPOSED ON PERSONS RELEASED DURING 1942 FROM THE
STATE PRISONS

CRIME	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wall- kill	Wood- bourne	Total	Per cent
Abandonment.....	.....	.....	1	.....	.....	.....	.....	.....	1	0.3
Abduction.....	.....	1	.....	.....	1	.....	.....	.....	2	0.6
Assault, first degree.....	1	.....	2	.....	.....	.....	.....	.....	3	1.0
Assault, second degree.....	.....	3	2	3	1	.....	.....	.....	9	2.7
Attempted assault, second degree.....	.....	1	.....	.....	.....	.....	.....	.....	1	0.3
Bigamy.....	.....	.....	1	.....	.....	.....	.....	.....	1	0.3
Burglary, first degree.....	.....	1	.....	.....	.....	.....	.....	.....	1	0.3
Burglary, second degree.....	.....	2	.....	.....	.....	.....	.....	.....	4	1.2
Burglary, third degree.....	29	17	22	12	12	.....	3	.....	95	28.7
Attempted burglary, third degree.....	.....	5	3	1	4	.....	.....	.....	13	3.9
Carrying concealed weapons.....	.....	1	3	6	.....	.....	.....	.....	10	3.0
Criminally receiving stolen property.....	.....	.....	1	.....	.....	.....	.....	.....	1	0.3
Forgery, second degree.....	8	7	1	.....	.....	.....	3	.....	19	5.7
Forgery, third degree.....	1	.....	1	1	1	.....	.....	.....	4	1.2
Attempted forgery, second degree.....	1	.....	.....	.....	.....	.....	.....	.....	1	0.3
Grand larceny, first degree.....	3	5	.....	.....	1	.....	.....	.....	9	2.7
Grand larceny, second degree.....	9	2	1	2	.....	.....	1	.....	15	4.5
Attempted grand larceny, second degree.....	.....	1	1	.....	1	.....	.....	.....	3	0.9
Manslaughter, first degree.....	3	.....	.....	.....	.....	.....	.....	.....	5	1.5
Manslaughter, second degree.....	.....	.....	.....	2	.....	.....	.....	.....	2	0.6
Attempted manslaughter, second degree.....	.....	.....	1	.....	.....	.....	.....	.....	1	0.3
Rape, first degree.....	1	.....	.....	1	.....	.....	.....	.....	3	1.0
Rape, second degree.....	3	1	2	.....	.....	.....	.....	.....	6	1.8
Attempted rape, second degree.....	.....	.....	.....	.....	1	.....	.....	.....	1	0.3
Robbery, first degree.....	4	8	16	3	.....	.....	.....	.....	31	9.4
Robbery, second degree.....	.....	3	9	5	.....	.....	.....	.....	18	5.4
Robbery, third degree.....	7	10	9	5	6	.....	1	.....	38	11.5
Attempted robbery, first degree.....	.....	1	1	.....	.....	.....	.....	.....	2	0.6
Attempted robbery, second degree.....	.....	.....	1	.....	.....	.....	.....	.....	2	0.6
Attempted robbery, third degree.....	2	.....	4	4	2	.....	1	.....	15	4.5
Others.....	3	2	5	1	1	.....	.....	.....	12	3.6
TOTAL.....	77	75	88	48	34	.....	9	.....	331	100.0

AGE DISTRIBUTION OF INDETERMINATE SENTENCE PRISONERS RELEASED ON PAROLE DURING 1942

Age	Herkimer County Jail *	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wall- kill	Wood- bourne	Elmira	Total
20 years and under	..	7	1	3	51	4	1	1	1	170	188
From 21 to 25 years	..	50	48	42	97	68	5	50	2	497	838
From 26 to 30 years	..	116	83	87	81	129	16	69	1	214	812
From 31 to 35 years	..	70	59	70	54	123	9	62	5	332	511
From 36 to 40 years	..	61	42	44	34	90	6	26	2	..	326
From 41 to 45 years	1	42	92	35	38	54	15	8	1	1	218
From 46 to 50 years	..	95	13	26	24	55	10	3	1	..	157
From 51 to 55 years	..	18	9	11	20	35	6	2	2	..	103
Over 55 years	..	25	16	19	12	30	1	2	1	..	106
TOTAL	1	414	293	337	377	588	69	223	16	914	3,232

* Released by Governor's commutation on condition he be under supervision for the unexpired balance of his term
The Board of Parole has no paroling juris-
diction over this institution.

AGE DISTRIBUTION OF THE 331 DEFINITE OR COMMUTED SENTENCE PRISONERS RELEASED DURING 1942

Age	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wall-kill	Wood-bourne	Total	Per cent
From 21 to 25 years ...	2	1	..	..	..	..	1	..	4	1 2
From 26 to 30 years ..	9	11	15	15	..	..	1	..	54	16 3
From 31 to 35 years ..	17	12	18	17	..	..	2	..	74	22 3
From 36 to 40 years ..	23	27	18	4	10	..	1	..	83	25 1
From 41 to 45 years ..	9	10	17	6	5	..	1	..	48	14 5
From 46 to 50 years ..	4	7	10	5	3	..	2	..	31	9 4
From 51 to 55 years ..	6	2	7	..	1	..	1	..	17	5 1
Over 55 years ..	7	3	3	1	4	..	..	..	20	6 1
TOTAL	77	75	88	48	34	..	9	..	331	100 0

DURATION OF PERIOD OF PAROLE FOR INDETERMINATE SENTENCE PRISONERS RELEASED FROM THE STATE
PRISONS AND ELMIRA REFORMATORY DURING 1942

	Herkimer County Jail *	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wall- kill	Wood- bourne	Elmira	Total	Per cent
Less than 3 months.....	6	2	4	3	14	..	..	..	15	44	1.4
3 months but less than 6 months..	14	4	17	10	31	..	..	..	31	98	3.0
6 months but less than 9 months	17	8	13	14	48	1	6	..	24	131	4.0
9 months but less than 1 year.....	1	34	13	9	21	51	4	14	..	28	175	5.4
1 year but less than 1½ years.....	27	16	25	19	55	8	18	..	28	200	6.2
1½ years but less than 2 years.....	40	18	28	29	61	9	21	..	24	232	7.2
2 years but less than 2½ years.....	23	14	17	22	37	4	11	..	29	158	4.9
2½ years but less than 3 years.....	26	20	22	21	41	6	22	..	47	208	6.4
3 years but less than 4 years.....	49	34	38	45	78	7	45	2	140	438	13.6
4 years but less than 5 years.....	33	23	19	30	28	7	8	.....	49	197	6.1
5 years but less than 6 years.....	27	27	16	24	27	6	16	3	75	231	6.8
6 years but less than 7 years.....	51	37	34	50	40	6	29	..	38	285	8.8
7 years and over.....	55	63	65	83	62	5	26	..	403	762	23.6
Life.....	12	14	30	6	15	3	....	..	3	83	2.6
TOTAL.....	1	414	293	337	377	588	69	223	16	914	3,232	100.0

* Released by Governor's commutation on condition he be under supervision for the unexpired balance of his term. The Board of Parole has no pardoning jurisdiction over this institution.

DURATION OF PERIOD OF SUPERVISION FOR DEFINITE OR COMMUTED SENTENCE PRISONERS RELEASED FROM
STATE PRISONS DURING 1942

	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wall-kill	Woodbourne	Total	Per cent
Less than 3 months.....	1	2	.....	...	...	.....	..	....	3	0.9
3 months but less than 6 months ..	1	...	2	...	4	.....	.....	....	10	3.0
6 months but less than 9 months, ..	1	...	1	1	.....	.....	..	....	3	0.9
9 months but less than 1 year...	2	2	2	2	.....	.....	.....	....	8	2.4
1 year but less than 1½ years ..	1	5	3	1	.....	.....	.....	....	11	3.3
1½ years but less than 2 years ..	8	10	6	6	5	.....	2	....	27	11.2
2 years but less than 2½ years ..	4	3	4	2	1	.....	..	....	14	4.2
2½ years but less than 3 years.....	3	5	1	5	1	.....	..	....	15	4.6
3 years but less than 4 years.	41	26	36	20	13	.....	7	....	143	43.2
4 years but less than 5 years.	8	13	13	4	7	.....	.....	....	45	13.6
5 years but less than 6 years.	2	1	1	1	.....	.....	..	....	5	1.5
6 years but less than 7 years.....	2	.....	1	.....	.....	.....	..	....	3	0.9
7 years and over,	3	8	18	3	2	.....	.....	....	34	10.3
TOTAL.....	77	75	88	48	34	.....	9	.....	331	100.0

LENGTH OF INSTITUTIONAL TREATMENT OF INDETERMINATE SENTENCE PRISONERS RELEASED FROM THE STATE
PRISONS AND ELMIRA REFORMATORY DURING 1942

	Herkimer County - Jail *	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wall- kill	Wood- bourne	Elmira	Total	Per Cent
Less than 1 year	1			2	..	13	2	...	...	1	8	0.2
1 year but less than 1½ years		53	1	22	..	127	17	72	..	215	520	16.1
1½ years but less than 2 years		40	18	18	24	90	10	37	..	214	454	14.0
2 years but less than 2½ years		27	22	23	26	58	7	18	3	106	284	9.1
2½ years but less than 3 years		26	15	21	24	38	6	12	1	88	226	7.0
3 years but less than 4 years		77	60	58	87	103	11	40	4	150	590	18.3
4 years but less than 5 years		57	49	39	60	64	7	23	1	97	397	12.3
5 years but less than 6 years		35	39	30	33	23	3	8	...	30	200	6.2
6 years but less than 7 years		29	31	22	32	33	3	8	...	11	169	5.2
7 years but less than 8 years		19	15	20	30	19		2	...	4	109	3.4
8 years but less than 9 years		7	12	14	14	6		...	...	3	56	1.7
9 years and over		43	31	68	34	26	4	3	...	3	209	6.5
TOTAL.....	1	414	293	337	377	588	69	223	16	914	3,232	100.0

* Released by Governor's commutation on condition he be under supervision for the unexpired balance of his term The Board of Parole has no pardoning jurisdiction over this institution

LENGTH OF INSTITUTIONAL TREATMENT OF DEFINITE OR COMMUTED SENTENCE PRISONERS RELEASED DURING 1942

	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wall- kill	Wood- bourne	Total	Per cent
Less than 1 year										
1 year but less than 1½ years			1						1	0.3
1½ years but less than 2 years										
2 years but less than 2½ years		1							1	0.3
2½ years but less than 3 years										
3 years but less than 4 years	3		1		1		1		6	1.8
4 years but less than 5 years			2		2				4	1.2
5 years but less than 6 years	1			2	1				5	1.5
6 years but less than 7 years	42	26	23	22	14		4		131	39.6
7 years but less than 8 years	8	10	15	2	4		2		41	12.4
8 years but less than 9 years	4	4	4	3	3		1		19	5.7
9 years and over	10	33	42	19	9		1		123	37.2
TOTAL	77	75	88	48	34		9		331	100.0

PAROLEES DECLARED DELINQUENT DURING 1942 — PERIOD OF COMPLETED PAROLE (FROM DATE OF PAROLE TO DATE OF DECLARATION OF DELINQUENCY) BY INSTITUTION FROM WHICH RELEASED

INDETERMINATE SENTENCE PRISONERS

PERIOD OF COMPLETED PAROLE	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wall- kill	Wood- bourne	Elmira	Total
Less than 3 months	39	18	22	15	22	6	5		50	177
3 months and less than 6 months	24	11	8	17	15		5		47	127
6 months and less than 9 months	11	9	11	7	16	3	4		29	90
9 months and less than 1 year	9	4	7	7	7	1	4		22	61
1 year and less than 1½ years	18	6	7	8	17	2	7		49	114
1½ years and less than 2 years	6	2	7	8	5	1	6		33	68
2 years and less than 2½ years	7	1	3	3	9				26	50
2½ years and less than 3 years	1	2	1	3	3	1	1		10	22
3 years and less than 4 years	1	2	1	1	2		1		19	27
4 years and less than 5 years	2		1		1		1		6	11
5 years and over	1	2		6	3		4		9	25
TOTAL	119	57	68	75	100	14	39		300	772

DEFINITE SENTENCE PRISONERS DECLARED DELINQUENT DURING 1942 — PERIOD OF COMPLETED PAROLE (FROM DATE OF PAROLE TO DATE OF DECLARATION OF DELINQUENCY) BY INSTITUTION FROM WHICH RELEASED

PERIOD OF COMPLETED PAROLE	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wall- kill	Wood- bourne	Total
Less than 3 months	6	11	10	8	3		2		40
3 months and less than 6 months	5	4	5		1				15
6 months and less than 9 months	4	5	6	4	1				20
9 months and less than 1 year	2	3	1	5					11
1 year and less than 1½ years	3	3	2	2	1	1	2		14
1½ years and less than 2 years	2	1		4	1				8
2 years and less than 2½ years	3	3	2	1			1		10
2½ years and less than 3 years		4	1	1					6
3 years and less than 4 years	1		3						4
4 years and less than 5 years		3		1					4
5 years and over	1	1		3	1				6
TOTAL	27	38	30	29	8	1	5		138

PAROLEES DECLARED DELINQUENT DURING 1942 — PERIOD OF COMPLETED PAROLE (FROM DATE OF PAROLE TO DATE OF DECLARATION OF DELINQUENCY) BY DISTRICT OFFICE SUPERVISING THE PAROLEE

INDETERMINATE SENTENCE PRISONERS

PERIOD OF COMPLETED PAROLE	Albany	Buffalo	New York	Out of State	Deportation	Warrant	Repatriation	Total
Less than 3 months	16	55	85	20	.....	1	.....	177
3 months and less than 6 months	11	41	63	12	.....	.....	.....	127
6 months and less than 9 months	7	14	59	9	1	.....	.....	90
9 months and less than 1 year	7	13	32	9	.....	.....	.....	61
1 year and less than 1½ years	12	36	53	11	2	.....	.....	114
1½ years and less than 2 years	7	16	36	9	.....	.....	.....	68
2 years and less than 2½ years	4	14	26	6	.....	.....	.....	50
2½ years and less than 3 years	5	3	12	2	.....	.....	.....	22
3 years and less than 4 years	2	7	15	3	.....	.....	.....	27
4 years and less than 5 years	1	2	5	2	.....	.....	1	11
5 years and over	3	5	13	4	.....	.....	.....	25
TOTAL	75	206	399	87	3	1	1	772

DEFINITE SENTENCE PRISONERS DECLARED DELINQUENT DURING 1942 — PERIOD OF COMPLETED PAROLE (FROM DATE OF PAROLE TO DATE OF DECLARATION OF DELINQUENCY) BY DISTRICT OFFICE SUPERVISING THE PRISONER

PERIOD OF COMPLETED PAROLE	Albany	Buffalo	New York	Out of State	Deportation	Warrant	Total
Less than 3 months	6	12	21	1	.....	.....	40
3 months and less than 6 months	1	7	5	1	.....	1	15
6 months and less than 9 months	3	5	8	4	.....	.....	20
9 months and less than 1 year	1	4	6	.....	.....	.....	11
1 year and less than 1½ years	2	7	3	1	.....	1	14
1½ years and less than 2 years	1	2	3	2	.....	.....	8
2 years and less than 2½ years	.....	3	7	.....	.....	.....	10
2½ years and less than 3 years	1	3	1	1	.....	.....	6
3 years and less than 4 years	.....	1	3	.....	.....	.....	4
4 years and less than 5 years	.....	3	1	.....	.....	.....	4
5 years and over	.....	2	4	.....	.....	.....	6
TOTAL	15	49	62	10	.....	2	138

PAROLEES DECLARED DELINQUENT DURING 1942 — UNEXPIRED PAROLE PERIOD (FROM DATE OF DECLARATION OF DELINQUENCY TO DATE OF EXPIRATION OF MAXIMUM TERM) BY INSTITUTION FROM WHICH RELEASED

INDETERMINATE SENTENCE PRISONERS

UNEXPIRED PAROLE PERIOD	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wallkill	Woodbourne	Elmira	Total
Less than 3 months	1	1	1	.....	3	.....	.....	.....	4	10
3 months and less than 6 months	7	4	3	5	6	2	2	.....	8	37
6 months and less than 9 months	6	2	3	1	9	2	3	.....	7	33
9 months and less than 1 year	13	4	2	3	7	1	1	.....	12	43
1 year and less than 1½ years	12	4	6	8	11	2	3	.....	12	58
1½ years and less than 2 years	10	3	6	5	8	2	5	.....	13	52
2 years and less than 2½ years	8	1	6	7	11	.....	5	.....	13	51
2½ years and less than 3 years	9	3	5	9	7	.....	3	.....	21	57
3 years and less than 4 years	7	2	3	8	7	1	3	.....	33	64
4 years and less than 5 years	10	7	4	5	9	1	3	.....	20	59
5 years and over	33	21	23	24	19	3	10	.....	156	289
Life	3	5	6	.....	3	.....	1	.....	1	19
TOTAL	119	57	68	75	100	14	39	.....	300	772

DEFINITE OR COMMUTED SENTENCE PRISONERS DECLARED DELIN-
QUENT DURING 1942 — UNEXPIRED PAROLE PERIOD (FROM DATE
OF DECLARATION OF DELINQUENCY TO DATE OF EXPIRATION OF
FULL TIME) BY INSTITUTION FROM WHICH RELEASED

UNEXPIRED PAROLE PERIOD	Attica	Auburn	Clinton	Great Meadow	Sing Sing	State Prison for Women	Wall- kill	Wood- bourne	Total
Less than 3 months.....	1	.....	.....	1	.....	.....	.....	.....	2
3 months and less than 6 months..	1	1	1	2	1	.....	.....	.....	6
6 months and less than 9 months..	2	2	1	3	1	.....	.....	.....	9
9 months and less than 1 year.....	5	5	1	3	.....	.....	.....	.....	14
1 year and less than 1½ years.....	2	5	1	.....	.....	.....	1	.....	9
1½ years and less than 2 years ..	1	4	3	2	1	1	.....	.....	12
2 years and less than 2½ years ..	4	3	1	4	.....	.....	3	.....	15
2½ years and less than 3 years ..	5	4	4	4	2	.....	.....	.....	19
3 years and less than 4 years ..	2	4	6	5	2	.....	1	.....	20
4 years and less than 5 years ..	1	4	7	.....	1	.....	.....	.....	13
5 years and over ..	3	6	5	5	.....	.....	.....	.....	19
TOTAL ..	27	38	30	29	8	1	5	.....	138

PAROLEES DECLARED DELINQUENT DURING 1942 — UNEXPIRED
PAROLE PERIOD (FROM DATE OF DECLARATION OF DELINQUENCY
TO DATE OF EXPIRATION OF MAXIMUM TERM) BY DISTRICT
SUPERVISING PAROLEE

INDETERMINATE SENTENCE PRISONERS

UNEXPIRED PAROLE PERIOD	Albany	Buffalo	New York	Out of State	Depor- tation	War- rant	Repatri- ation	Total
Less than 3 months.....	2	1	5	2	.....	.....	.....	10
3 months and less than 6 months.....	1	13	20	3	.....	.....	.....	37
6 months and less than 9 months.....	2	6	21	4	.....	.....	.....	33
9 months and less than 1 year.....	3	18	19	3	.....	.....	.....	43
1 year and less than 1½ years ..	5	15	34	4	.....	.....	.....	58
1½ years and less than 2 years ..	3	14	27	8	.....	.....	.....	52
2 years and less than 2½ years ..	7	10	24	9	1	.....	.....	51
2½ years and less than 3 years ..	3	13	33	8	.....	.....	.....	57
3 years and less than 4 years ..	9	10	29	7	.....	.....	.....	64
4 years and less than 5 years ..	7	18	27	7	.....	.....	.....	59
5 years and over ..	30	74	151	30	2	1	1	289
Life ..	3	5	9	2	.....	.....	.....	19
TOTAL ..	75	206	399	87	3	1	1	772

DEFINITE OR COMMUTED SENTENCE PRISONERS DECLARED DELIN-
QUENT DURING 1942 — UNEXPIRED PERIOD OF PAROLE (FROM
DATE OF DECLARATION OF DELINQUENCY TO DATE OF EXPIRA-
TION OF FULL TERM) BY DISTRICT SUPERVISING PAROLEE

UNEXPIRED PAROLE PERIOD	Albany	Buffalo	New York	Out of State	War- rant	Total
Less than 3 months.....	.....	2	.....	.....	.....	2
3 months and less than 6 months...	.....	2	4	.....	.....	6
6 months and less than 9 months...	2	2	4	1	.....	9
9 months and less than 1 year.....	1	7	6	.....	.....	14
1 year and less than 1½ years.....	1	5	3	.....	.....	9
1½ years and less than 2 years.....	1	6	3	1	1	12
2 years and less than 2½ years ..	2	6	6	.....	1	15
2½ years and less than 3 years ..	2	6	8	3	.....	19
3 years and less than 4 years.....	4	4	12	.....	.....	20
4 years and less than 5 years.....	1	2	9	1	13
5 years and over.....	1	7	7	4	19
TOTAL.....	15	49	62	10	2	138

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